

Exhibit F



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Transcript of Michael R. White

Date: December 1, 2021

Case: Boshea -v- Compass Marketing, Inc.

Planet Depos

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1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MARYLAND

3 (Northern Division)

4 - - - - -x

5 DAVID J. BOSHEA, :

6 Plaintiff, :

7 v. : Case No.

8 COMPASS MARKETING, : 1:21-CV-00309-ELH

9 INC., :

10 Defendant. :

11 - - - - -x

12
13 Videotape Deposition of MICHAEL R. WHITE

14 Conducted Virtually

15 Wednesday, December 1, 2021

16 10:04 a.m.

17
18
19
20 Job No.: 415984

21 Pages: 1 - 328

22 Reported By: Cynthia A. Whyte

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1 Videotape Deposition of MICHAEL R. WHITE, conducted
2 virtually:

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12 Pursuant to notice, before Cynthia A. Whyte, Notary
13 Public in and for the State of Maryland.
14
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20
21
22

Transcript of Michael R. White
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A P P E A R A N C E S

ON BEHALF OF PLAINTIFF:

GREGORY J. JORDAN, ESQUIRE

JORDAN & ZITO, LLC

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Suite 400

Chicago, Illinois 60654

(312) 489-8174

ON BEHALF OF DEFENDANT:

STEPHEN B. STERN, ESQUIRE

HEATHER K. YEUNG, ESQUIRE

KAGAN STERN MARINELLO & BEARD, LLC

238 West Street

Annapolis, Maryland 21401

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A P P E A R A N C E S C O N T I N U E D

ON BEHALF OF NONPARTY/DEPONENT MICHAEL R. WHITE:

JUSTIN A. REDD, ESQUIRE

KRAMON & GRAHAM, PA

One South Street

Suite 2600

Baltimore, Maryland 21202

(410) 752-6030

ALSO PRESENT:

DAVID BOSHEA

RONALD BATEMAN, Compass Marketing, Inc.

CHARLIE BOWMAN, Videographer

JACOB FADEN, AV Technician

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P R O C E E D I N G S

VIDEO TECHNICIAN: We are on the record

10:04:27

on December 1, 2021, at 11 -- at 10:04 a.m.

10:04:28

eastern time for the remote video deposition of

10:04:34

Michael White in the matter of Boshea V Compass

10:04:37

Marketing, Inc., in the United States District

10:04:44

Court for the District of Maryland, Northern

10:04:45

Division.

10:04:45

My name is Charlie Bowman. I'm a

10:04:48

videographer on behalf of Planet Depos. All

10:04:53

present will be noted on the stenographic record.

10:04:56

The court reporter is Cindy Whyte, who will now

10:04:59

swear in the witness.

10:05:01

MICHAEL R. WHITE

10:05:01

Having been duly sworn, testified as follows:

10:05:01

BY MR. STERN:

10:05:02

Q All right. Can you please state your

10:05:02

name for the record.

10:05:21

A Michael White.

10:05:21

Q All right. Thank you, Mr. White.

10:05:23

MR. STERN: And before we get started,

10:05:26

I'd like each of the parties that are on this call

10:05:27

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1	or video to represent who is in the room with them	10:05:31
2	or connected, if anyone is connected by phone or	10:05:34
3	video, beyond who is identified.	10:05:38
4	I am Stephen Stern representing the	10:05:41
5	defendant in this case, Compass Marketing, Inc.	10:05:44
6	In my office but not on video is a company	10:05:47
7	representative named Ronald Bateman. And we have	10:05:49
8	no other audio or video link connections to anyone	10:05:52
9	else on the line.	10:05:58
10	MS. YEUNG: I'm Heather Yeung. I'm a	10:05:59
11	part of Stephen Stern's office. I am here mostly	10:06:02
12	for technical help and I'm going to keep my screen	10:06:06
13	off.	10:06:12
14	MR. JORDAN: This is Gregory Jordan. I	10:06:12
15	represent David Boshea, who is the plaintiff in	10:06:17
16	this matter. I am in a room by myself, I do not	10:06:20
17	have any video or audio recordings going and don't	10:06:23
18	have any intention to turn any on during these	10:06:32
19	proceedings.	10:06:35
20	David?	10:06:37
21	MR. BOSHEA: Yeah, I'm David Boshea.	10:06:37
22	Good morning. The same as what Greg just said,	10:06:42

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1	I'm here by myself, no videos, no intention to	10:06:44
2	video, nothing.	10:06:48
3	MR. STERN: Any phone connection?	10:06:49
4	MR. BOSHEA: No -- no phone connection,	10:06:51
5	Stephen, no.	10:06:54
6	MR. STERN: Thank you.	10:06:54
7	MR. BOSHEA: You're welcome.	10:06:56
8	MR. REDD: This is Justin Redd	10:06:56
9	representing Mr. White. We're the only ones in	10:07:00
10	the room and this -- the Zoom is our only phone	10:07:01
11	connection.	10:07:03
12	MR. STERN: All right. Thank you.	10:07:04
13	BY MR. STERN:	10:07:04
14	Q All right. Mr. White, have you ever been	10:07:04
15	deposed before?	10:07:09
16	A I have.	10:07:09
17	Q How many times have you been deposed?	10:07:12
18	A I don't know.	10:07:15
19	Q In what context were you deposed?	10:07:16
20	A Several different contexts.	10:07:20
21	Q At one point in your career were you a	10:07:24
22	State police officer?	10:07:31

Transcript of Michael R. White
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1	A	I was.	10:07:31
2	Q	And were you deposed in your capacity as	10:07:33
3		a State police officer?	10:07:37
4	A	I was.	10:07:38
5	Q	Were those all criminal proceedings?	10:07:41
6	A	No.	10:07:43
7	Q	They were civil proceedings?	10:07:46
8	A	Yes.	10:07:49
9	Q	How many civil proceedings?	10:07:49
10	A	I don't know.	10:07:53
11	Q	How many years did you serve as a State	10:07:54
12		police officer?	10:07:57
13	A	Approximately 29 years.	10:07:57
14	Q	Are you currently serving as a State	10:08:05
15		police officer?	10:08:08
16	A	I am not.	10:08:08
17	Q	When did you stop serving as a State	10:08:11
18		police officer?	10:08:18
19	A	Approximately October of 2006.	10:08:18
20	Q	And, well, I guess we got a little bit	10:08:21
21		into some of the question and answer here. Let me	10:08:27
22		back up for a moment before we continue.	10:08:30

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1	Since you are familiar with the	10:08:31
2	deposition process, I still think it would be	10:08:33
3	appropriate for me to just go over a little	10:08:37
4	overview of what today will be like. As you can	10:08:40
5	tell, I'm going to be asking you a bunch of	10:08:42
6	questions and you need to give verbal answers. Do	10:08:45
7	you understand that?	10:08:48
8	A I do.	10:08:48
9	Q And while in any conversation people do	10:08:50
10	have a tendency to interrupt one another, we need	10:08:54
11	to each do our best to not -- to avoid that. So I	10:08:57
12	will do my best to wait for you to finish	10:09:00
13	answering your -- the answer -- answering the	10:09:02
14	question and please do the best you can to let me	10:09:05
15	finish asking my question. Understood?	10:09:09
16	A Yes, sir.	10:09:10
17	Q If you need to take a break, please let	10:09:12
18	me know and I will try to honor that request in a	10:09:16
19	timely manner. Understood?	10:09:20
20	A Thank you. Thank you.	10:09:22
21	Q Also, if there is a question that is not	10:09:24
22	clear, please ask me to clarify it; otherwise, I	10:09:28

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1	will assume you understand the question.	10:09:31
2	Understood?	10:09:33
3	A No.	10:09:33
4	Q I'm sorry?	10:09:36
5	A No, I don't.	10:09:37
6	Q So if you don't understand a question,	10:09:39
7	I'm asking you to please ask me to clarify it;	10:09:43
8	otherwise, I'll assume that you understand the	10:09:46
9	question. Do you understand that?	10:09:49
10	A No.	10:09:53
11	Q What is not clear about my statement?	10:09:57
12	A I don't understand it.	10:10:01
13	Q Okay. If I make -- if I ask a question	10:10:05
14	that you don't understand, please ask me to	10:10:10
15	clarify the question. Do you understand that?	10:10:13
16	A I understand your question.	10:10:19
17	Q I will assume you understand the	10:10:22
18	questions I've asked unless if you ask me to	10:10:30
19	clarify. Do you understand that?	10:10:32
20	A I understand your statement, yes.	10:10:38
21	Q Thank you.	10:10:42
22	Lastly, is there anything that you	10:10:44

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1	consumed today that would inhibit you from	10:10:48
2	testifying truthfully under oath?	10:10:51
3	A Not that I'm aware of.	10:10:53
4	Q Okay. You said you stopped being a State	10:10:55
5	police officer in 2006?	10:11:07
6	A No, sir. I said approximately October of	10:11:09
7	2006 I was no longer a State trooper.	10:11:15
8	Q Okay. Have you had any other occupations	10:11:17
9	since then?	10:11:23
10	A Yes.	10:11:23
11	Q What else have you -- what have you done	10:11:23
12	for a living since 2006?	10:11:36
13	A I have worked or owned part of Compass	10:11:37
14	Marketing and I have worked for the citizens of	10:11:51
15	the State of Maryland.	10:11:54
16	Q In what capacity do you work for the	10:11:54
17	citizens of the State of Maryland?	10:11:58
18	A I'm a judge in the Orphans Court.	10:11:59
19	Q Orphans Court of which county?	10:12:02
20	A The State court, but I operate in St.	10:12:06
21	Mary's County.	10:12:12
22	Q When did you become a judge in Orphans	10:12:12

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1	Court in St. Mary's County?	10:12:14
2	A I was appointed in December of 2014.	10:12:17
3	Q Is that a full-time job?	10:12:21
4	A I would need you to define what full time	10:12:25
5	means before I'm able to answer that question.	10:12:31
6	Q 30 or more hours a week.	10:12:33
7	A No.	10:12:37
8	Q Approximately how many hours a week do	10:12:37
9	you serve as an Orphans Court judge?	10:12:42
10	A Approximately 16 hours a week.	10:12:44
11	Q Has that been for the duration of your	10:12:52
12	time as an Orphans Court judge?	10:12:55
13	A That's an approximation and an average.	10:12:58
14	It changes week to week.	10:13:02
15	Q I understand that it's not a precise	10:13:03
16	number. I'm just saying is that approximately	10:13:06
17	what the amount of time commitment has been	10:13:08
18	since -- for your duration as an Orphans Court	10:13:12
19	judge?	10:13:16
20	A Approximately.	10:13:16
21	Q You said you've owned Compass Marketing.	10:13:16
22	When did you become an owner of Compass Marketing?	10:13:22

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1	A	I don't know.	10:13:23
2	Q	Was it prior to becoming an Orphans Court	10:13:23
3		judge?	10:13:33
4	A	Yes, it was.	10:13:33
5	Q	Is there anything that would help you	10:13:35
6		refresh your recollection as to when you became an	10:13:46
7		owner of Compass Marketing?	10:13:48
8	A	I don't know.	10:13:49
9	Q	Have you owned any other companies that	10:13:50
10		are not publicly held -- publicly traded -- I'm	10:13:55
11		sorry; let me rephrase the question.	10:13:58
12		Have you owned any other nonpublicly	10:14:00
13		traded companies other than Compass Marketing in	10:14:03
14		the last ten years?	10:14:05
15	A	Yes.	10:14:06
16	Q	What other companies?	10:14:06
17	A	Woodville Pines, LLC.	10:14:10
18	Q	Any other companies besides that one?	10:14:18
19	A	Not that I can recall.	10:14:20
20	Q	And when you first became an owner of	10:14:24
21		Compass Marketing, have you continuously owned	10:14:34
22		that company since then?	10:14:35

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1	A	I have continuously held stock in that	10:14:37
2		company.	10:14:45
3	Q	From when you first became a shareholder?	10:14:45
4	A	Correct.	10:14:50
5	Q	Have you at any point sold or transferred	10:14:51
6		any of your shares in Compass Marketing since you	10:14:58
7		first obtained shares in Compass Marketing?	10:15:01
8	A	Not that I'm aware of.	10:15:03
9	Q	Would someone have the ability to	10:15:08
10		transfer or sell those shares for you?	10:15:16
11	A	I don't know.	10:15:18
12	Q	Have you authorized anyone to sell or	10:15:19
13		transfer shares of Compass Marketing for you?	10:15:24
14	A	I don't know.	10:15:27
15	Q	You don't know whether you've authorized	10:15:28
16		anyone to do that?	10:15:32
17	A	I do not.	10:15:32
18	Q	Does anyone handle your financial	10:15:33
19		transactions other than you?	10:15:45
20	A	Yes.	10:15:45
21	Q	Who handles financial transactions for	10:15:45
22		you other than yourself?	10:15:54

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1	MR. REDD: Objection. Stephen, I don't	10:15:55
2	know if you want the witness to leave the room for	10:16:00
3	this. I'll make it quick. But we're getting --	10:16:03
4	you know, background is one thing, but we're	10:16:05
5	getting already far afield of the topics that I	10:16:07
6	think are at issue in this case, so if we're going	10:16:11
7	to move on from this it should be all right, but	10:16:14
8	can we get to what we're here for, please.	10:16:18
9	MR. STERN: We will be circling back to	10:16:18
10	this, but I'm just following up on answers that	10:16:21
11	Mr. White has given.	10:16:25
12	Q So who else handles your financial	10:16:27
13	transactions besides you?	10:16:32
14	A I have a banker and I have a financial	10:16:33
15	adviser. As far as I can remember, that's it.	10:16:41
16	Q Have you authorized them to make any	10:16:52
17	transactions on behalf of Compass Marketing or	10:16:58
18	your shares in Compass Marketing?	10:17:01
19	A Not that I'm aware of.	10:17:01
20	Q Now, you understand you've been	10:17:05
21	identified as a witness with information relevant	10:17:12
22	to the facts of this case that's being brought by	10:17:15

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1	Mr. David Boshea against Compass Marketing;	10:17:18
2	correct?	10:17:22
3	A I do not understand that, no.	10:17:22
4	Q You don't understand that, okay.	10:17:25
5	Have you been in communication with David	10:17:28
6	Boshea about this lawsuit that he's brought	10:17:31
7	against Compass Marketing?	10:17:33
8	A Yes, I have.	10:17:35
9	Q When did you first talk to David Boshea	10:17:36
10	about the lawsuit that he's filed against Compass	10:17:41
11	Marketing?	10:17:45
12	A I don't remember.	10:17:45
13	Q Do you remember whether it was before or	10:17:46
14	after the lawsuit was filed?	10:17:49
15	A I don't remember.	10:17:50
16	Q Do you remember having any conversations,	10:17:54
17	telephone conversations, with Mr. Boshea about	10:18:00
18	this lawsuit prior to January 1, 2021?	10:18:01
19	A I don't remember.	10:18:05
20	Q Do you remember having any text messages	10:18:08
21	with Mr. Boshea about this lawsuit prior to	10:18:13
22	January 1, 2021?	10:18:16

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1	A	I don't remember.	10:18:19
2	Q	What about any e-mail communications?	10:18:19
3		MR. REDD: Objection; form.	10:18:21
4	Q	Have you had any e-mail communications	10:18:26
5		with Mr. Boshea about this lawsuit prior to	10:18:28
6		2020 -- January 1, 2021?	10:18:31
7	A	Not that I remember.	10:18:32
8	Q	Have you had any telephone communications	10:18:36
9		with Mr. Boshea's attorney prior -- about this	10:18:38
10		lawsuit prior to January 1, 2021?	10:18:43
11	A	I don't remember.	10:18:45
12	Q	Have you had any text messages with Mr.	10:18:48
13		Boshea's attorney about this lawsuit prior to	10:18:52
14		January 1, 2021?	10:18:54
15	A	I don't remember.	10:18:56
16	Q	What about any e-mail messages with Mr.	10:18:59
17		Boshea's attorney prior to January 1, 2021?	10:19:04
18	A	I don't remember.	10:19:08
19	Q	Let's go forward. Have you had any	10:19:09
20		communications with Mr. Boshea's attorney since	10:19:14
21		January 1, 2021, about this lawsuit?	10:19:16
22	A	Yes.	10:19:18

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1	Q	And why were you communicating with Mr.	10:19:18
2		Boshea's attorney about this lawsuit?	10:19:25
3	A	Mr. Boshea's attorney called me and asked	10:19:26
4		me about it.	10:19:34
5	Q	The first time you spoke with Mr.	10:19:35
6		Boshea's attorney was at -- was it at his	10:19:42
7		initiative?	10:19:45
8	A	Yes.	10:19:45
9	Q	Prior to that did Mr. Boshea talk to you	10:19:46
10		and ask you to help him with his lawsuit against	10:19:51
11		Compass Marketing?	10:19:54
12	A	Not that I remember, no.	10:19:54
13	Q	Why did you talk with Mr. Boshea's	10:19:58
14		attorney about this lawsuit?	10:20:01
15		MR. REDD: Objection; form.	10:20:02
16		You can answer.	10:20:11
17	A	Can you ask that question again, please?	10:20:12
18	Q	Why did you talk about this lawsuit with	10:20:15
19		Mr. Boshea's attorney?	10:20:18
20	A	Because Mr. Boshea's attorney called me.	10:20:18
21	Q	As an owner of Compass Marketing, do you	10:20:24
22		think it's wise to be talking to litigants who are	10:20:28

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1	suing your company where they're --	10:20:32
2	MR. JORDAN: Objection; calls for an	10:20:32
3	opinion that I don't think is relevant to the	10:20:36
4	lawsuit.	10:20:38
5	MR. REDD: I join in an objection to	10:20:38
6	form.	10:20:44
7	Q Mr. White?	10:20:44
8	A Please repeat your question.	10:20:45
9	Q As an owner of Compass Marketing, do you	10:20:50
10	think it is wise to be talking to the attorney of	10:20:53
11	a litigant who is suing your company?	10:20:56
12	MR. JORDAN: Same objection.	10:20:58
13	MR. REDD: Same objection.	10:21:00
14	You can answer.	10:21:04
15	A I don't know.	10:21:04
16	Q What do you mean you don't know?	10:21:05
17	A I don't know.	10:21:08
18	Q You have no opinion as to whether or not	10:21:10
19	it's a good idea to be talking to someone who's --	10:21:13
20	or their attorney who's suing your company?	10:21:16
21	MR. JORDAN: Objection; asked and	10:21:18
22	answered.	10:21:21

Transcript of Michael R. White
Conducted on December 1, 2021

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1	MR. REDD: Objection; calls for an	10:21:21
2	opinion. Object to the form.	10:21:22
3	Go ahead.	10:21:26
4	A Can you please reask your question?	10:21:27
5	MR. STERN: Can the court reporter	10:21:29
6	read -- read back my question, please.	10:21:31
7	(The pending question was read.)	10:21:42
8	A I do not have an opinion in that area,	10:21:42
9	no.	10:21:48
10	Q Do you want to see Mr. Boshea win this	10:21:48
11	lawsuit?	10:21:56
12	MR. JORDAN: Objection; relevance.	10:21:56
13	A I want to see Mr. Boshea treated fairly	10:21:59
14	as an employee of Compass Marketing.	10:22:07
15	Q Can you please answer my question?	10:22:08
16	MR. REDD: Objection. The question was	10:22:12
17	answered.	10:22:16
18	Q Please answer my question.	10:22:17
19	MR. REDD: Form. Same objection.	10:22:18
20	You can answer.	10:22:23
21	A Please repeat your question, Mr. Stern.	10:22:23
22	Q Do you want to see Mr. Boshea win this	10:22:25

Transcript of Michael R. White
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1	litigation?	10:22:29
2	MR. JORDAN: Objection; asked and	10:22:29
3	answered.	10:22:31
4	A I think that's an opinion question and I	10:22:32
5	don't have an opinion in that area.	10:22:37
6	Q It's not an opinion question. I'm	10:22:39
7	asking: Are you -- do you want to see Mr. Boshea	10:22:42
8	hold your company liable to him?	10:22:45
9	MR. JORDAN: Objection; asked and	10:22:47
10	answered.	10:22:49
11	MR. REDD: Objection; asked and answered.	10:22:49
12	A I think I answered that, Mr. Stern.	10:22:51
13	Q No, you didn't. Please answer the	10:22:53
14	question. It's yes or no.	10:22:56
15	A Yes, I have answered the question.	10:22:57
16	Q Do you want Mr. Boshea to hold your	10:22:59
17	company liable for this -- the matters that he's	10:23:04
18	alleging in this lawsuit?	10:23:07
19	MR. REDD: Objection. This question has	10:23:08
20	been repeatedly asked.	10:23:12
21	You can answer the question.	10:23:15
22	(Indecipherable).	10:23:15

Transcript of Michael R. White
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1	MR. JORDAN: I join in that objection.	10:23:15
2	A I want to see Mr. Boshea treated fairly	10:23:17
3	as an employee of Compass Marketing.	10:23:24
4	Q Well, he is not an employee of Compass	10:23:24
5	Marketing, is he?	10:23:28
6	A I don't know.	10:23:28
7	Q So I'm going back to my question: Do you	10:23:30
8	want to see Mr. Boshea prevail in this litigation	10:23:34
9	against Compass Marketing?	10:23:37
10	MR. REDD: Objection. You stated that	10:23:37
11	you're going back to the question, which is the	10:23:43
12	same question that's been asked a number of times	10:23:44
13	now and answered a number of times. At some point	10:23:46
14	we're going to get into continuing to do so is --	10:23:51
15	MR. STERN: Justin, you know full well	10:23:51
16	this goes to motive.	10:23:51
17	MR. REDD: -- improper and I'm --	10:23:51
18	THE COURT REPORTER: I'm sorry; if you're	10:24:06
19	both talking at the same time, I can't hear you	10:24:07
20	both.	10:24:09
21	MR. STERN: Justin, you know full well	10:24:09
22	this goes to motive and credibility, all matters	10:24:11

Transcript of Michael R. White
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1	that are appropriate to be asking in this	10:24:15
2	deposition.	10:24:16
3	Q So, Mr. White, I will ask again: Do you	10:24:16
4	want to see Mr. Boshea prevail in this litigation	10:24:18
5	against Compass Marketing?	10:24:22
6	MR. REDD: Objection; asked and answered.	10:24:24
7	He answered. He said he wanted to see Mr. Boshea	10:24:27
8	treated fairly as an employee and he didn't have	10:24:29
9	an opinion about who won the lawsuit. He said	10:24:31
10	that several times.	10:24:33
11	MR. JORDAN: I join in that objection.	10:24:34
12	Q Mr. White?	10:24:36
13	A I wish to see Mr. Boshea treated fairly	10:24:38
14	as an employee of Compass Marketing.	10:24:43
15	Q He's not an employee of Compass Marketing	10:24:44
16	right now, is he?	10:24:50
17	MR. JORDAN: Objection; asked and	10:24:51
18	answered.	10:24:52
19	A I don't know.	10:24:52
20	Q Are you helping Mr. Boshea with this	10:24:56
21	litigation against Compass Marketing?	10:25:04
22	MR. JORDAN: Objection; vague.	10:25:04

Transcript of Michael R. White
Conducted on December 1, 2021

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1	MR. REDD: Object to form.	10:25:07
2	A I would ask you to please define helping.	10:25:08
3	Q Have you provided him with any assistance	10:25:12
4	in connection with this lawsuit against Compass	10:25:16
5	Marketing?	10:25:18
6	MR. REDD: Objection to the form and the	10:25:18
7	characterization of "assistance."	10:25:23
8	Go ahead.	10:25:27
9	A None that I'm aware of.	10:25:27
10	Q Okay. Let's go to some of the documents	10:25:29
11	you produced in this case. So you're here	10:25:31
12	pursuant to a subpoena; correct?	10:25:36
13	A That's my understanding.	10:25:36
14	Q And that subpoena asked you to sit for a	10:25:38
15	deposition?	10:25:40
16	A That's my understanding.	10:25:40
17	Q And that subpoena also asked you to	10:25:44
18	produce documents; correct?	10:25:47
19	A That's my understanding.	10:25:48
20	Q And one of the documents, well, that you	10:25:51
21	were sub -- you were given two subpoenas, one that	10:25:54
22	specifically related only to certain documents;	10:25:57

Transcript of Michael R. White
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1	correct?	10:25:59
2	A I believe so.	10:25:59
3	Q Do you plan to produce the e-mail thread	10:26:02
4	in native format that includes an e-mail dated May	10:26:09
5	22, 2007, or that purports to be an e-mail that is	10:26:14
6	dated May 22, 2007?	10:26:19
7	MR. REDD: Objection. Again, if you want	10:26:20
8	the witness to step out --	10:26:23
9	THE COURT REPORTER: I'm sorry, Mr. Redd;	10:26:23
10	I can't hear you.	10:26:31
11	MR. REDD: Stephen, if you want the	10:26:33
12	witness to step out for this, you can -- I'll ask	10:26:38
13	him to, or if you're fine with me just telling you	10:26:39
14	on the record. What's your preference?	10:26:42
15	MR. STERN: Go ahead and state your --	10:26:47
16	whatever it is you want about that document. We	10:26:51
17	have not received the native format yet. We've	10:26:52
18	asked for it.	10:26:55
19	MR. REDD: It was produced with the pdf.	10:26:55
20	There is a placeholder for the native in the pdf.	10:26:58
21	The native was produced at the same time and it	10:27:02
22	was downloaded by your office. So you have it	10:27:05

Transcript of Michael R. White
Conducted on December 1, 2021

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1	from us from -- on behalf of Michael White in his	10:27:07
2	document production --	10:27:12
3	MR. STERN: We have the pdf; we don't	10:27:12
4	have the native format.	10:27:15
5	MR. REDD: -- November the 19th. Hold	10:27:15
6	on.	10:27:15
7	MR. STERN: We have the pdf --	10:27:16
8	MR. REDD: Let me finish. Can I finish?	10:27:16
9	MR. STERN: -- not the native format.	10:27:16
10	MR. REDD: Let me finish. Let me finish.	10:27:19
11	Your office does have the native format	10:27:24
12	e-mail from Michael White in response to the	10:27:28
13	subpoena on Michael White. Your office has the	10:27:29
14	same native format e-mail as produced by Daniel	10:27:30
15	White by his counsel, Daniel White as the sender	10:27:34
16	and Michael White as the recipient. We are	10:27:38
17	talking about May 22, 2007, and the e-mails were	10:27:41
18	downloaded --	10:27:42
19	MR. STERN: Well, then I'd ask you to	10:27:42
20	resend the document in native format --	10:27:47
21	MR. REDD: Hold on. Hold on. Let me	10:27:47
22	finish. Let me finish.	10:27:47

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Conducted on December 1, 2021

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1	MR. STERN: -- because we do not have it.	10:27:50
2	MR. BOSHEA: If I can --	10:27:50
3	MR. REDD: The native format e-mail was	10:27:50
4	downloaded by --	10:27:50
5	MR. JORDAN: One at a time. One at a	10:27:50
6	time.	10:27:52
7	MR. REDD: -- your office. They've been	10:27:52
8	downloaded by your office on November --	10:27:52
9	THE COURT REPORTER: Mr. Redd, can you	10:27:52
10	start over. I didn't hear the beginning of what	10:27:58
11	you said.	10:27:59
12	MR. BOSHEA: Yeah, Mr. Stern has got to	10:27:59
13	stop interrupting.	10:28:03
14	MR. JORDAN: You know what, David? Would	10:28:04
15	you turn off your damn mic.	10:28:05
16	MR. REDD: The native format e-mail that	10:28:08
17	was requested in the second subpoena from Compass	10:28:13
18	Marketing to Michael White was produced on	10:28:18
19	November 18, 2021, by my office to Mr. Stern's	10:28:19
20	office and Mr. Stern's office downloaded the	10:28:24
21	native format e-mail that he's asking about.	10:28:27
22	MR. STERN: What we have is a placeholder	10:28:31

Transcript of Michael R. White
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1	that's been downloaded. We've asked that it be	10:28:34
2	sent in -- on a flash drive. We have not received	10:28:36
3	that.	10:28:39
4	MR. REDD: Well, it was already	10:28:39
5	downloaded by your office. No one asked me to	10:28:45
6	send it in any other format and you already have	10:28:47
7	it.	10:28:50
8	MR. STERN: All right. Then we will	10:28:50
9	address that separately.	10:28:53
10	BY MR. STERN:	10:28:53
11	Q I'd like to show you some text messages	10:28:54
12	that you've produced in this lawsuit, Mr. White.	10:28:58
13	MR. STERN: We're going to start with, I	10:29:03
14	guess -- Heather, I don't know, are you going to	10:29:05
15	pull them -- are they all in one or are you going	10:29:08
16	to pull them up one at a time?	10:29:10
17	Heather? How is it easier to do that?	10:29:23
18	MS. YEUNG: Can you give me the Bates	10:29:23
19	number?	10:29:25
20	MR. STERN: I'm going to start with Bates	10:29:25
21	No. MRW000003 and then we're going to go for	10:29:29
22	several pages, like through 15.	10:29:32

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1	Q	Okay. Mr. White, do you see what's going	10:29:47
2		to be marked as Exhibit 1?	10:29:58
3		(White Deposition Exhibit 1 marked for	10:29:58
4		identification and is attached to the transcript.)	10:30:00
5	A	I do.	10:30:00
6	Q	Is this one page of several that you've	10:30:06
7		produced of text messages in this lawsuit?	10:30:10
8	A	I don't know.	10:30:12
9	Q	Take a look at it. Does this remind you	10:30:14
10		of a text message that you produced when you sent	10:30:21
11		them -- is it a text message that you produced?	10:30:25
12		MR. REDD: Objection. Sorry; did you ask	10:30:27
13		if it reminds?	10:30:29
14	Q	Take a look at the exhibit. Is this a	10:30:31
15		text message that you produced in this litigation?	10:30:34
16		MR. REDD: If you need to look at more of	10:30:37
17		it to tell...	10:30:40
18	A	I don't -- I don't know.	10:30:40
19		MS. YEUNG: Just so all counsel know, as	10:30:43
20		I'm putting these on the screen, I'm also	10:30:46
21		e-mailing them to counsel so that you may pull it	10:30:49
22		up on your own computer if you'd like.	10:30:51

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1	MR. REDD: Thank you.	10:30:53
2	Q Did you send this text message or did you	10:30:53
3	receive this text message on December 26 at 3:38	10:31:03
4	p.m.?	10:31:08
5	A I don't know.	10:31:08
6	Q Do you know why your attorney produced	10:31:10
7	this in this litigation?	10:31:16
8	A I -- I don't know why my attorney did	10:31:17
9	something, no.	10:31:23
10	Q Did you hand this doc -- this text	10:31:23
11	message to your attorney to produce in this	10:31:27
12	litigation?	10:31:29
13	A I did not.	10:31:29
14	MR. REDD: Objection. He said he doesn't	10:31:31
15	know what this is.	10:31:33
16	Q Did you deliver this to your attorney to	10:31:35
17	produce in this litigation?	10:31:39
18	MR. REDD: Same objection.	10:31:40
19	Answer.	10:31:44
20	A I don't know if I produced a text message	10:31:44
21	you have on the screen to my attorney.	10:31:49
22	Q Scrolling down a little bit further on to	10:31:51

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1	Page '4, it says: "What is your email hoping you	10:31:55
2	have the email or even better signed or initialed	10:31:59
3	offer. Same with the non compete and non	10:32:02
4	disclosure which shows money I'm owed. Thx,	10:32:06
5	Mike."	10:32:08
6	Did you receive that or send that text	10:32:09
7	message?	10:32:12
8	A I do not know.	10:32:12
9	Q Do you know how we got ahold of it?	10:32:14
10	A I do not know.	10:32:16
11	MR. STERN: Scroll down to the next one	10:32:23
12	dated December 28, 11:06 p.m.	10:32:24
13	Thank you.	10:32:29
14	Q I'm reading in the middle of the text	10:32:29
15	message: "I think it is Golf25. I think he sent	10:32:32
16	it to my old house to me. You learn a lot about	10:32:34
17	people when things get tough you know what I mean.	10:32:38
18	I will land on my feet. Thank you!!!!!" I think	10:32:41
19	I got it. "I think it is Golf25. I think he sent	10:32:44
20	it to my old house computer. I have the offer	10:32:49
21	letter with my separation program clearly spelled	10:32:53
22	out and I have the non disclosure/non compete	10:32:55

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37

1	contract but my lawyer wants the e-mail that sent	10:32:59
2	them to me. Attorney says it all black and white	10:33:01
3	Dan spoke with him too. I hate this stuff so much	10:33:06
4	ugggg."	10:33:06
5	Did you receive that text message?	10:33:11
6	A I don't know.	10:33:12
7	Q Do you know how -- did you deliver this	10:33:12
8	text message to your attorney to produce in this	10:33:18
9	litigation?	10:33:21
10	MR. REDD: Objection. He said he didn't	10:33:21
11	know.	10:33:25
12	You can answer.	10:33:34
13	A Can you ask your question again, please?	10:33:35
14	Q Did you deliver this text message to your	10:33:37
15	attorney to produce in this litigation?	10:33:39
16	A I don't know.	10:33:42
17	Q Scrolling down to Page '6, Friday, August	10:33:42
18	13, at 7:23 p.m.: "Thx bro. Hey send those	10:33:51
19	emails when you can! Say hi to tommy."	10:33:56
20	Did you produce this text message in this	10:33:59
21	litigation?	10:34:02
22	MR. REDD: This is Justin Redd. Can you	10:34:02

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1	scroll back up? You might have skipped one side	10:34:06
2	of the message that might help the witness orient	10:34:09
3	himself to this document.	10:34:14
4	Q There's a text message that's showing up	10:34:15
5	in blue and it's in color: "Hey buddy. Looks	10:34:20
6	like lots of snow coming your way. Prolly cover	10:34:21
7	up the golf course!!!! Be safe, buddy," and	10:34:25
8	that's dated January 29, 11:36 a.m.	10:34:27
9	Did you send that text message --	10:34:31
10	A I don't know.	10:34:32
11	Q -- or receive that text message?	10:34:33
12	A I don't know.	10:34:34
13	Q Message below on August 13, 7:23 p.m.	10:34:36
14	Did you send or receive that text message: "Hey	10:34:43
15	send those emails when you can"?	10:34:47
16	A I don't know.	10:34:47
17	Q Scrolling down to Page '7, Friday,	10:34:53
18	September 24, at 11:37 p.m.: "U good, bro? Did	10:35:01
19	Greg talk with you today. We closing I think he	10:35:09
20	is excited nervous! I think he is excited	10:35:11
21	nervous! I know u get it."	10:35:15
22	Is that a text message that you received	10:35:17

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1	or sent to Mr. Boshea?	10:35:18
2	A I do not know.	10:35:19
3	Q Do you know if you produced it in this	10:35:24
4	litigation?	10:35:28
5	A I don't know if I produced what you have	10:35:28
6	on the screen. No, I do not know.	10:35:32
7	Q Scrolling to the next one.	10:35:33
8	MR. REDD: Stephen, this is Justin. If	10:35:39
9	you make a representation that this is what was	10:35:43
10	produced, Mr. White may be able to identify it.	10:35:47
11	MR. STERN: They're the ones with the	10:35:52
12	initials MRW on them. You're his attorney.	10:35:53
13	MR. REDD: Okay. Well, Mr. White	10:35:56
14	obviously didn't put in a Bates number on his	10:35:59
15	documents; my office did. So I'm trying to make	10:36:04
16	this go smoothly for everybody.	10:36:06
17	Q Next on September 25 at 4:42 a.m. this is	10:36:07
18	a text message: "All good on my end buddy. You	10:36:14
19	doing OK? I talked to Greg Wednesday. What's he	10:36:17
20	doing to punch them in the eye. LOL?"	10:36:20
21	Is that a text message that you sent or	10:36:23
22	received to Mr. Boshea?	10:36:25

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1	A	I don't know.	10:36:26
2	Q	Did you -- do you recall speaking with	10:36:26
3		Greg Jordan in or about September 2021?	10:36:32
4	A	I can't remember that, no.	10:36:35
5	Q	Do you remember speaking with Greg Jordan	10:36:42
6		in or about September 2020 -- 2020?	10:36:45
7	A	No.	10:36:46
8	Q	Do you remember Mr. Boshea asking you to	10:36:51
9		speak with Mr. Jordan in or about September of	10:36:56
10		2021 or 2020?	10:37:00
11	A	I do not remember that.	10:37:01
12	Q	Do you remember encouraging Mr. Boshea to	10:37:03
13		punch them in the eye, "them" being whom?	10:37:10
14		MR. REDD: Objection; form, compound.	10:37:13
15	A	Can you please ask your question again?	10:37:17
16	Q	Do you remember encouraging Mr. Boshea to	10:37:22
17		punch them in the eye?	10:37:25
18		MR. REDD: Objection to form.	10:37:27
19	A	I do not remember encouraging Mr. Boshea	10:37:29
20		to punch anyone in the eye.	10:37:37
21	Q	And you don't know whether or not this is	10:37:37
22		a text message you sent or received?	10:37:41

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41

1	A	I do not know that the photograph you	10:37:47
2		have up on the screen is something I sent or	10:37:49
3		received.	10:37:52
4	Q	Scrolling down, in response to that, the	10:37:54
5		very next text message on September 25 at 12:22	10:37:57
6		p.m.: "Thx Mike! Get the email from Dan re our	10:38:02
7		reply. Ok? Thx buddy ur a great friend."	10:38:05
8		Is that a text message you sent or	10:38:09
9		received from Mr. Boshea?	10:38:12
10	A	I do not know.	10:38:12
11	Q	Next: "I know the answer but do you have	10:38:15
12		my contract in file?"	10:38:19
13		Did you send or receive that text	10:38:23
14		message?	10:38:25
15	A	I do not know.	10:38:25
16	Q	Has Mr. Boshea asked you to gather any	10:38:27
17		documents to help him in this litigation?	10:38:31
18		MR. REDD: Objection; form.	10:38:33
19	A	Yes, he has.	10:38:39
20	Q	What documents has Mr. Boshea asked you	10:38:40
21		to get for him in connection with this litigation?	10:38:43
22	A	I believe he asked for his severance	10:38:45

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1	agreement document and I believe he asked for	10:38:59
2	signature verifications of John White.	10:39:09
3	Q Did you represent to him that you can get	10:39:12
4	signatures of John White and did you rep -- yes or	10:39:18
5	no?	10:39:22
6	MR. REDD: Objection to form.	10:39:22
7	A Can you ask the question again, please?	10:39:25
8	Q Did you represent to Mr. Boshea that you	10:39:27
9	could get samples of John White's signature for	10:39:29
10	him?	10:39:34
11	A I don't --	10:39:34
12	MR. REDD: Objection to form.	10:39:34
13	A I don't believe so, no.	10:39:36
14	Q Did you represent to Mr. Boshea that you	10:39:37
15	can get his separation agreement?	10:39:39
16	A I don't --	10:39:42
17	MR. JORDAN: Objection to the form of the	10:39:42
18	question.	10:39:47
19	THE COURT REPORTER: I'm sorry, Mr.	10:39:47
20	White; if you answered, I didn't hear it.	10:39:53
21	A Can you ask your question again, please,	10:39:54
22	Mr. Stern?	10:40:01

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Conducted on December 1, 2021

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1	Q	Did you represent to Mr. Boshea that you	10:40:01
2		can get him a copy of any contract he entered into	10:40:04
3		with Compass Marketing?	10:40:07
4	MR. JORDAN:	Same objection.	10:40:07
5	A	I do not remember doing that, no.	10:40:10
6	Q	Did you attempt to get a copy of any	10:40:13
7		contract he entered into with Compass Marketing?	10:40:16
8	A	I don't believe so.	10:40:17
9	Q	Do you know why he was asking you to get	10:40:27
10		a copy of his contract?	10:40:31
11	A	I don't know why he was asking --	10:40:31
12	MR. JORDAN:	Objection to the	10:40:38
13		characterization -- mischaracterization of the	10:40:40
14		e-mail -- of the text.	10:40:43
15	Q	Mr. White?	10:40:43
16	A	Please -- please ask your question again.	10:40:47
17	MR. STERN:	Can you repeat the question,	10:40:51
18		court reporter.	10:40:51
19		(The pending question was read.)	10:40:53
20	A	I do not know why he was asking that.	10:40:53
21	Q	Did you have a discussion with Mr. Boshea	10:41:05
22		as to any -- anything related to getting a copy of	10:41:09

Transcript of Michael R. White
Conducted on December 1, 2021

44

1	his contract?	10:41:13
2	MR. REDD: Objection to form.	10:41:14
3	A Yes.	10:41:19
4	Q What did you discuss with Mr. Boshea?	10:41:19
5	MR. REDD: Objection; form.	10:41:22
6	A I -- I would ask you to pinpoint the time	10:41:29
7	when you are referring to. I've talked to Mr.	10:41:36
8	Boshea for 30 years.	10:41:40
9	Q Any time since December of 2020.	10:41:40
10	MR. JORDAN: Objection; form.	10:41:44
11	A I have discussed with Mr. Boshea his	10:41:47
12	request for my knowledge about his separation	10:42:04
13	agreement.	10:42:11
14	Q And what did you tell him about your	10:42:11
15	knowledge of his separation agreement?	10:42:14
16	A I believe I told him that I had no	10:42:15
17	knowledge of it.	10:42:21
18	Q Did you tell him that you had no	10:42:22
19	knowledge of it before or after he made the	10:42:28
20	request for a copy of the contract?	10:42:31
21	A I don't remember.	10:42:32
22	Q Next page, September 25, 9:18 p.m., the	10:42:34

Transcript of Michael R. White
Conducted on December 1, 2021

45

1	text reads: "Just read email. I always thought	10:42:47
2	this will settle the day before Bernie has to	10:42:51
3	raise his right hand. Maybe Marty too."	10:42:53
4	Did you send that text message to Mr.	10:42:56
5	Boshea?	10:42:58
6	A I don't know.	10:42:58
7	Q Looking at it now, does it refresh your	10:42:58
8	recollection? Do you remember sending that	10:43:01
9	message to Mr. Boshea?	10:43:04
10	A Looking at what you have on the screen, I	10:43:04
11	do not know if I sent or received that.	10:43:08
12	Q Do you know who the reference to Bernie	10:43:10
13	is in this text message?	10:43:15
14	A I do not know if I sent or received that	10:43:17
15	text message.	10:43:21
16	Q That's not my question. My question is,	10:43:21
17	do you know who the reference to Bernie is in this	10:43:24
18	text message?	10:43:27
19	A I would be guessing.	10:43:27
20	Q Do you know who the reference to Marty	10:43:30
21	is?	10:43:36
22	A Again, I would be guessing.	10:43:36

Transcript of Michael R. White
Conducted on December 1, 2021

46

1	Q	So based -- if you're guessing, that	10:43:39
2		means you did not send this text message; is that	10:43:42
3		correct?	10:43:46
4		MR. REDD: Objection to form.	10:43:46
5	A	That is not correct.	10:43:47
6	Q	So you did send this text message?	10:43:49
7		MR. REDD: Objection; form.	10:43:53
8	A	I do not know.	10:43:55
9	Q	Do you remember referring to anyone by	10:43:56
10		the name Bernie who is not named Bernie?	10:44:09
11	A	I do.	10:44:11
12	Q	Who have you referred to as Bernie who is	10:44:14
13		not named Bernie?	10:44:18
14	A	John White.	10:44:21
15	Q	Why do you refer to him as Bernie?	10:44:23
16	A	That's a name that I recognize to be	10:44:26
17		associated with John White.	10:44:40
18	Q	Why is that name associated with John	10:44:40
19		White?	10:44:46
20	A	I believe it is referring to another	10:44:46
21		Bernie named Bernie Madoff. And John White and	10:45:00
22		Bernie Madoff have some similar issues and I	10:45:07

Transcript of Michael R. White
Conducted on December 1, 2021

47

1	believe that that is why I would associate the	10:45:14
2	name Bernie with John White.	10:45:17
3	Q Were you the one that came up with the	10:45:20
4	idea to call -- to refer to Mr. White, your	10:45:23
5	brother, John White, as Bernie?	10:45:25
6	A I don't know.	10:45:27
7	Q Do you know who came up with the idea to	10:45:31
8	refer to John White as Bernie?	10:45:34
9	A I do not know.	10:45:36
10	Q Do you know who the reference to Marty is	10:45:38
11	in that text message?	10:45:41
12	A Again, I would be guessing.	10:45:42
13	Q Who would you guess the reference to	10:45:46
14	Marty is?	10:45:49
15	MR. REDD: Objection.	10:45:49
16	A I'm not going to guess, Mr. Stern. I	10:45:51
17	don't know.	10:45:54
18	Q Have you referred to anyone as Marty who	10:45:54
19	was not named Marty?	10:45:58
20	A Not that I know of.	10:45:59
21	Q Turning to the next page, MRW0000010, at	10:46:04
22	the very top there, September 29 at 9:21 a.m.:	10:46:15

Transcript of Michael R. White
Conducted on December 1, 2021

48

1	"Hi Mike. Did Lawrence tell you he remembered my	10:46:19
2	agreement?" Is that a text message that you	10:46:21
3	received?	10:46:23
4	A I don't know, Mr. Stern.	10:46:23
5	Q Do you know who the reference to Lawrence	10:46:25
6	is?	10:46:30
7	A I would be guessing and I don't know.	10:46:30
8	Q Who would you guess that the reference to	10:46:34
9	Lawrence is?	10:46:38
10	A I'm not going to make a guess, Mr. Stern.	10:46:38
11	I don't know.	10:46:42
12	Q I'm asking you to guess. Who is it that	10:46:42
13	the reference to Lawrence is that you believe --	10:46:45
14	let me rephrase it.	10:46:48
15	Who do you believe the reference to	10:46:49
16	Lawrence is?	10:46:50
17	MR. REDD: Objection. I believe one of	10:46:51
18	your ground rules was don't guess. Form of the	10:46:54
19	question.	10:46:58
20	MR. STERN: I'm asking who he thinks the	10:46:58
21	reference to Lawrence is.	10:47:01
22	A I don't know.	10:47:02

Transcript of Michael R. White
Conducted on December 1, 2021

49

1	Q	Scrolling ahead to MRW0000013, at the	10:47:03
2		very top --	10:47:25
3	MR. STERN:	Scroll up a little bit to the	10:47:25
4		top.	10:47:25
5	Q	-- what is this a text message of?	10:47:26
6	A	It looks like it's a text message with	10:47:28
7		some information about an address and a legal	10:47:36
8		description, a land value, physical address, a	10:47:48
9		city, an owner address, a parcel ID, a legal	10:47:53
10		description, a land value.	10:48:01
11	Q	Did you send that text message?	10:48:04
12	A	I don't know.	10:48:08
13	Q	So you don't know whether any of these	10:48:08
14		text messages are yours?	10:48:22
15	MR. REDD:	Objection; form.	10:48:24
16	A	I do not know that the items you have put	10:48:25
17		on this screen -- I don't know what they are.	10:48:30
18	Q	Scrolling ahead to MRW0000019.	10:48:35
19	MR. STERN:	Is this all part of the same	10:48:58
20		exhibit or do we have to identify it as a new	10:48:59
21		exhibit, Heather?	10:49:02
22	MS. YEUNG:	A separate pdf. So this	10:49:03

Transcript of Michael R. White
Conducted on December 1, 2021

50

1	would be Exhibit 2.	10:49:09
2	MR. STERN: All right. So this will be	10:49:09
3	referred to as Exhibit 2.	10:49:11
4	Can you scroll up to the top, please.	10:49:11
5	(White Deposition Exhibit 2 marked for	10:49:11
6	identification and is attached to the transcript.)	10:49:12
7	Q Is this a text message that you produced	10:49:12
8	in this litigation?	10:49:20
9	A I don't know.	10:49:21
10	Q Do you recall receiving this text message	10:49:22
11	from David Boshea on March 16 at 2020 -- let me	10:49:26
12	rephrase.	10:49:32
13	Do you recall receiving this text message	10:49:32
14	from David Boshea on March 16, 2020, at 2:55 p.m.?	10:49:34
15	A I do not.	10:49:39
16	Q Do you see at the very top there is a	10:49:40
17	reference to DB and DW. Do you know who that is?	10:49:42
18	A I do not.	10:49:46
19	MR. STERN: Can you scroll down a little	10:49:55
20	bit.	10:49:56
21	Q Seeing that there is a name Dan White on	10:49:58
22	there, "Who said what to who?" with a bunch of	10:50:01

Transcript of Michael R. White
Conducted on December 1, 2021

51

1	smiley faces, does that refresh your recollection	10:50:05
2	as to having received this text message at any	10:50:06
3	point in time?	10:50:09
4	A It does not.	10:50:10
5	MR. STERN: Scroll to the next page, on	10:50:11
6	Page '20.	10:50:21
7	Q Is this a text message that you produced	10:50:22
8	in this litigation as one coming from Mr. Boshea	10:50:24
9	dated October 23, 2020, at 5:44 p.m.?	10:50:28
10	A I don't know.	10:50:32
11	Q Scrolling ahead to Page '25, on September	10:50:33
12	16 at 3:08 p.m. there is a text message from what	10:50:55
13	appears to be David Boshea: "Hi. Remember to	10:51:01
14	send those agreements to Greg. Thx."	10:51:05
15	Is that a text message that Mr. Boshea	10:51:07
16	sent to you?	10:51:08
17	A I don't know.	10:51:08
18	Q Scrolling ahead to Page '29, text message	10:51:11
19	dated July 21, 10:36 a.m., it says: "This is Greg	10:51:34
20	Jordan and I represent Dave Boshea in a lawsuit	10:51:40
21	against Compass Marketing. Will you attend the	10:51:43
22	deposition for which you were subpoenaed? I need	10:51:45

Transcript of Michael R. White
Conducted on December 1, 2021

52

1	to make travel reservations."	10:51:48
2	Is that a text message you received from	10:51:50
3	Mr. Jordan?	10:51:51
4	A I don't know.	10:51:51
5	Q Do you recall seeing that, talking to	10:51:51
6	Mr. Jordan about your deposition?	10:51:59
7	A I think you just asked me two questions.	10:52:01
8	Would you mind asking me one question at a time.	10:52:07
9	Q Does looking at this text message remind	10:52:09
10	you of talking to Mr. Jordan at any point about	10:52:11
11	your deposition?	10:52:14
12	A I remember talking to Mr. Jordan, but	10:52:15
13	I -- this item you have up on the screen does not	10:52:23
14	cause me to remember more or less.	10:52:25
15	Q What did you discuss with Mr. Jordan	10:52:27
16	about your deposition?	10:52:29
17	MR. JORDAN: Objection; mischaracterizes	10:52:30
18	his testimony.	10:52:34
19	A Please ask your question again.	10:52:34
20	Q What did you discuss with Mr. Jordan?	10:52:41
21	A Can you give me a time frame when you're	10:52:43
22	asking?	10:52:49

Transcript of Michael R. White
Conducted on December 1, 2021

53

1	Q	Any conversation you've had with	10:52:49
2		Mr. Jordan, please describe it.	10:52:53
3		MR. REDD: Objection to form.	10:52:58
4	A	I have had a discussion with Mr. Jordan	10:52:59
5		about Dave Boshea's severance package, I have had	10:53:06
6		a discussion with Mr. Jordan about sample	10:53:10
7		signatures of John White, I have had a discussion	10:53:17
8		with Mr. Jordan about a 2007 e-mail, and I have	10:53:21
9		had discussion with Mr. Jordan about my deposition	10:53:32
10		scheduled -- I don't remember the exact date of	10:53:44
11		the deposition.	10:53:50
12	Q	What did you discuss with Mr. Jordan	10:53:50
13		about Mr. Boshea's severance package?	10:53:53
14	A	I apologized to Mr. Jordan because I	10:53:56
15		originally believed I had no information about	10:54:04
16		David Boshea's severance package. And I had	10:54:13
17		recently learned that I may have had some	10:54:18
18		information about it and told him, explained to	10:54:21
19		him, the reasons that I had originally told him I	10:54:25
20		had no knowledge of it.	10:54:29
21	Q	Why did you tell him that you originally	10:54:30
22		had no knowledge of it?	10:54:33

Transcript of Michael R. White
Conducted on December 1, 2021

54

1	A	Because I originally had no knowledge of	10:54:34
2		it.	10:54:38
3	Q	Today do you have any knowledge of his	10:54:38
4		severance package?	10:54:43
5	MR. REDD:	Objection to the extent it	10:54:44
6		could call for any type of delving into	10:54:44
7		attorney/client communications, obviously, but	10:54:54
8		beyond that we'll not get into that.	10:54:55
9		You can answer.	10:54:55
10	THE COURT REPORTER:	Sorry; I didn't hear	10:54:55
11		the end, Mr. Redd.	10:54:59
12	MR. REDD:	That subject to not getting	10:55:00
13		into attorney/client communications, the witness	10:55:03
14		may answer.	10:55:05
15	MR. STERN:	I didn't ask him to talk	10:55:05
16		about any communications with you. I asked him	10:55:07
17		what does he know about Mr. Boshea's severance	10:55:09
18		package.	10:55:11
19	MR. REDD:	I know you didn't, and I	10:55:11
20		didn't say your question was improper. But to the	10:55:14
21		extent that it could be -- any knowledge could be	10:55:16
22		based on attorney/client communications	10:55:20

Transcript of Michael R. White
Conducted on December 1, 2021

55

1	(indiscernible) --	10:55:20
2	(Talking over)	10:55:21
3	MR. STERN: You know that's not a basis	10:55:21
4	for him not to answer. That is he has to reveal	10:55:24
5	facts; he can't reveal communications.	10:55:24
6	(Talking over)	10:55:24
7	MR. REDD: I'm not instructing him not to	10:55:24
8	answer. I asked him to answer.	10:55:24
9	THE COURT REPORTER: I can't hear you if	10:55:24
10	you are both talking at the same time.	10:55:31
11	MR. REDD: I -- I did not instruct him	10:55:32
12	not to answer. I expressly asked him to answer	10:55:34
13	the question subject to what I just said.	10:55:37
14	Go ahead.	10:55:40
15	A Please repeat your question, Mr. Stern.	10:55:40
16	Q What knowledge do you have, if any, about	10:55:42
17	Mr. Boshea's alleged severance package?	10:55:46
18	MR. REDD: Same objection and	10:55:49
19	instruction.	10:55:52
20	A I have knowledge that one may have	10:55:52
21	existed in 2007.	10:55:58
22	Q But you're not certain that it existed in	10:56:00

Transcript of Michael R. White
Conducted on December 1, 2021

56

1	2007?	10:56:07
2	MR. REDD: Object to the form.	10:56:07
3	Go ahead.	10:56:11
4	A I am not.	10:56:11
5	MR. STERN: I want to go to a new exhibit	10:56:12
6	Bates-numbered MRW0000030 through 0 -- through	10:56:26
7	'31.	10:56:32
8	(White Deposition Exhibit 3 marked for	10:56:32
9	identification and is attached to the transcript.)	10:56:36
10	Q Do you recognize this document?	10:56:36
11	A No.	10:56:49
12	Q Excuse me?	10:56:49
13	A I do not recognize it, no.	10:56:50
14	Q Is your e-mail address	10:56:54
15	michaelrwhite@comcast.net?	10:56:56
16	A That is my personal e-mail address, yes.	10:56:56
17	Q And at the very top there is -- it	10:57:03
18	says -- this e-mail, the most recent in this	10:57:08
19	string, says from michaelrwhite@comcast.net to	10:57:11
20	Gregory Jordan and it's dated September 28, 2021,	10:57:16
21	at 11:27 a.m. Do you see that?	10:57:22
22	A I see that it says that, yes.	10:57:23

Transcript of Michael R. White
Conducted on December 1, 2021

57

1	Q	Did you send an e-mail to Mr. Jordan	10:57:24
2		dated on or about September 28, 2021?	10:57:28
3	A	I don't know.	10:57:31
4	Q	Below that is an e-mail in this string	10:57:35
5		from Daniel White to -- it says	10:57:44
6		danieljwhite@msn.com. Is that your brother	10:57:52
7		Daniel's personal e-mail address?	10:57:54
8	A	I believe that that is his personal	10:57:56
9		e-mail address.	10:57:58
10	Q	And that e-mail is dated May 22, 2007, at	10:57:59
11		2:08 a.m. Do you see that?	10:58:04
12	A	That's what it says on the document	10:58:06
13		you're producing, yes.	10:58:09
14	Q	Do you recall receiving that e-mail from	10:58:10
15		Daniel White?	10:58:13
16	A	No.	10:58:15
17	Q	Do you deny forwarding an e-mail to Greg	10:58:15
18		Jordan on September 28, 2021?	10:58:22
19	A	I do not.	10:58:24
20	Q	You don't deny doing that?	10:58:25
21	A	Please ask your question again.	10:58:28
22	Q	I want to make sure. Do you deny sending	10:58:34

Transcript of Michael R. White
Conducted on December 1, 2021

58

1	an e-mail to Greg -- let me ask it differently.	10:58:38
2	Do you deny sending this e-mail to	10:58:41
3	Mr. Jordan on September 28, 2021?	10:58:43
4	A The document you have produced and put up	10:58:45
5	on the screen, I do not know if I sent that or if	10:58:52
6	I received it.	10:58:56
7	Q What would help you determine whether you	10:58:57
8	sent it or received it?	10:59:02
9	A I don't know.	10:59:04
10	Q So I'm going to ask you, do you deny	10:59:04
11	sending Mr. Jordan an e-mail of any kind about Mr.	10:59:10
12	Boshea's alleged employment agreement?	10:59:17
13	A I do not deny.	10:59:18
14	Q So how would we be able to identify an	10:59:22
15	e-mail that you did send to him related to Mr.	10:59:27
16	Boshea's alleged employment agreement?	10:59:31
17	A I don't know actually. I don't know.	10:59:32
18	Q Earlier when you'd said conversations you	10:59:35
19	had with Mr. Jordan, one of those conversations	10:59:46
20	you said referred to an e-mail from May of 2007.	10:59:49
21	Do you remember discussing that?	10:59:53
22	A I -- I -- yes. I remember answering a	10:59:54

Transcript of Michael R. White
Conducted on December 1, 2021

59

1	question of yours and referring to an e-mail in	11:00:00
2	2007.	11:00:03
3	Q Scroll down a little bit further on this	11:00:03
4	e-mail thread. Do you see this alleged e-mail	11:00:05
5	dated May 22, 2007? It is from	11:00:10
6	jwhite@compassmarketinginc.com to	11:00:10
7	golf4me36@aol.com. Do you see that?	11:00:24
8	A I see what you have produced on the	11:00:24
9	screen, yes.	11:00:26
10	Q Is that the e-mail you were referring to	11:00:27
11	when you discussed an e-mail with Mr. Jordan from	11:00:29
12	May 20, 2007?	11:00:32
13	A I don't know.	11:00:34
14	Q Well, what would help refresh your	11:00:38
15	recollection about the e-mail that you were	11:00:42
16	discussing with Mr. Jordan?	11:00:43
17	MR. REDD: Objection to the form.	11:00:44
18	A I don't know.	11:00:48
19	MR. JORDAN: Stephen?	11:00:49
20	MR. STERN: Yes?	11:00:49
21	MR. JORDAN: Would it be helpful if -- if	11:00:55
22	I asked a couple questions to try to identify	11:00:56

Transcript of Michael R. White
Conducted on December 1, 2021

60

1	the -- the document.	11:00:59
2	MR. STERN: Nope.	11:00:59
3	MR. JORDAN: Okay.	11:01:00
4	MR. STERN: If he wants to disclaim	11:01:02
5	knowledge, that's his business.	11:01:07
6	MR. JORDAN: Okay.	11:01:09
7	Q Mr. White, did you provide your attorney	11:01:12
8	with a copy of an e-mail that you sent to	11:01:19
9	Mr. Jordan on or about September 28, 2021?	11:01:23
10	A I believe that I did, yes.	11:01:27
11	Q Does this look like the e-mail that you	11:01:33
12	sent to your attorney dated September 28, 2021?	11:01:36
13	A I don't know.	11:01:43
14	Q Did you discuss with Daniel White the	11:01:47
15	e-mail on this thread that's dated May 22, 2007,	11:01:59
16	at 2:08 a.m.?	11:02:04
17	MR. REDD: Objection to form and lack of	11:02:07
18	a time frame.	11:02:09
19	A Please repeat your question, Mr. Stern.	11:02:10
20	MR. STERN: Can you scroll up to the May	11:02:13
21	22, 2007, at 2:08 a.m. e-mail.	11:02:16
22	Q Did you discuss the e-mail that is from	11:02:19

Transcript of Michael R. White
Conducted on December 1, 2021

61

1	Daniel White to Michael White dated May 22, 2007,	11:02:22
2	at 2:08 a.m.?	11:02:27
3	MR. REDD: Objection to form.	11:02:28
4	MR. JORDAN: Objection; vague as to with	11:02:29
5	whom he discussed it, if anyone.	11:02:31
6	A I discussed an e-mail with Daniel White	11:02:36
7	from 2007. I don't know if I discussed what you	11:02:41
8	have up on the screen.	11:02:45
9	Q What e-mail from 2007 did you discuss	11:02:46
10	with Daniel?	11:02:49
11	A An e-mail that he had sent me in 2007.	11:02:50
12	Q Was it an e-mail relating to Mr. Boshea	11:02:58
13	that you discussed with Daniel White?	11:03:09
14	MR. REDD: Same objection as to the time	11:03:09
15	frame. We're talking about the discussion versus	11:03:14
16	the e-mail.	11:03:16
17	A Please repeat your question, Mr. Stern.	11:03:17
18	Q The e-mail that you discussed with Daniel	11:03:20
19	White from 2007, did it concern David Boshea?	11:03:25
20	MR. REDD: Same objection about the time	11:03:26
21	frames.	11:03:31
22	A It concerned David Boshea's severance	11:03:32

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1	agreement.	11:03:36
2	Q What did you discuss with Daniel White	11:03:36
3	concerning David Boshea's severance agreement?	11:03:44
4	A I discussed that he had sent me an e-mail	11:03:45
5	in 2007 and that he had recently found it and	11:03:49
6	asked if I had a copy of it.	11:03:56
7	Q What did you tell him when you asked --	11:03:58
8	when he asked you if you had a copy of it?	11:04:02
9	MR. REDD: Same objection about the time	11:04:03
10	frame of the discussion.	11:04:08
11	A I told him I would look for it.	11:04:08
12	Q Why were you discussing David Boshea's	11:04:11
13	severance agreement with Daniel?	11:04:16
14	MR. REDD: Objection; same objection.	11:04:17
15	A Because Daniel called me and began a	11:04:25
16	discussion about it.	11:04:27
17	Q What did he call you and discuss -- and	11:04:28
18	began a discussion about? Please describe that	11:04:31
19	conversation.	11:04:33
20	MR. REDD: Same objection.	11:04:34
21	A The discussion circled around the fact he	11:04:35
22	had found an e-mail from 2007, that he had sent me	11:04:44

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1	that e-mail and wanted to know if I had it.	11:04:49
2	Q Did he discuss anything else about that	11:04:54
3	e-mail or that severance agreement?	11:04:59
4	A Not that I remember.	11:05:00
5	Q How many times did you discuss that	11:05:03
6	e-mail or severance agreement with Daniel?	11:05:06
7	A When?	11:05:08
8	MR. REDD: Objection to form.	11:05:08
9	Q I said how many times.	11:05:11
10	MR. REDD: Go ahead.	11:05:14
11	A I don't know how many times.	11:05:15
12	Q The discussion you're referring to now,	11:05:17
13	was that sometime in September of this year?	11:05:23
14	A I do not know for sure.	11:05:25
15	Q Why did you send a copy of that -- did	11:05:32
16	you end up sending a copy of that e-mail and	11:05:42
17	severance agreement to -- to Mr. Jordan?	11:05:45
18	A I did.	11:05:48
19	Q Why did you do that?	11:05:52
20	A I believe because he asked me to.	11:05:54
21	Q Is it your practice to send documents to	11:06:02
22	the attorneys of litigants who are suing your	11:06:07

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1	company?	11:06:10
2	MR. REDD: Objection; form,	11:06:10
3	argumentative.	11:06:15
4	A Can you repeat the question?	11:06:15
5	MR. STERN: Ms. Court Reporter, can you	11:06:18
6	repeat that for me, please.	11:06:19
7	(The pending question was read.)	11:06:28
8	A I don't think I've ever done it before.	11:06:28
9	I don't believe.	11:06:36
10	Q Do you think it's a good idea to send	11:06:36
11	copies of documents to the attorneys of litigants	11:06:40
12	who are suing your company?	11:06:42
13	MR. REDD: Objection; argumentative.	11:06:43
14	A I don't know.	11:06:48
15	Q Do you think it helps or hurts your	11:06:49
16	business?	11:06:55
17	MR. REDD: Objection.	11:06:55
18	MR. JORDAN: Objection; vague.	11:06:55
19	A Don't know.	11:06:59
20	Q Is it your desire to help David Boshea in	11:07:03
21	his litigation against Compass Marketing?	11:07:28
22	MR. REDD: Objection; asked and answered	11:07:29

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1	several times.	11:07:35
2	Go ahead.	11:07:40
3	A I believe David Boshea should be treated	11:07:41
4	fairly as an employee of Compass Marketing.	11:07:44
5	Q That's not my question. Is it your	11:07:45
6	desire to help Mr. Boshea in his litigation	11:07:47
7	against Compass Marketing?	11:07:50
8	MR. REDD: Objection; same objection.	11:07:50
9	A My answer is I believe that David Boshea	11:07:56
10	should be treated fairly as an employee.	11:07:59
11	MR. STERN: Okay. Can we scroll -- new	11:08:00
12	exhibit. It's MRW0000060.	11:08:06
13	THE COURT REPORTER: Mr. Stern, this is	11:08:06
14	Cindy. Are we going to mark those last e-mails as	11:08:17
15	Exhibit 3?	11:08:19
16	MR. STERN: Yeah, that last e-mail thread	11:08:19
17	is going to be Exhibit 3. I'm going to ask you to	11:08:24
18	keep --	11:08:24
19	THE COURT REPORTER: And this new one	11:08:24
20	will be Exhibit 4?	11:08:26
21	MR. STERN: Yes. I'm going to ask you to	11:08:26
22	keep track of the exhibit numbers so you can label	11:08:46

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1	them correctly when you circulate the transcript	11:08:46
2	and the exhibits later.	11:08:46
3	THE COURT REPORTER: Okay.	11:08:47
4	MR. REDD: I think we've got a hand	11:08:47
5	raised on Heather Yeung's screen.	11:08:54
6	MR. STERN: Okay.	11:08:56
7	MR. JORDAN: I think that's Heather.	11:08:56
8	(White Deposition Exhibit 4 marked for	11:08:56
9	identification and is attached to the transcript.)	11:09:35
10	Q I'm showing you what's been marked as	11:09:35
11	Exhibit 4. It is Bates-labeled MRW0000060. It is	11:09:40
12	an e-mail from michaelrwhite@comcast.net to	11:09:48
13	gjordan@jz-llc.com dated August 29, 2021, at 6:52	11:09:54
14	p.m.; Subject: White Eagle; Attachments: Boshea	11:10:01
15	White Eagle use e-mail.pdf and Boshea White Eagle	11:10:05
16	increase Email.pdf.	11:10:12
17	Do you see that, Mr. White?	11:10:15
18	A I see what you have up on the screen,	11:10:15
19	yes, sir.	11:10:18
20	Q Did you send this e-mail to Mr. Jordan?	11:10:18
21	A I don't know.	11:10:20
22	Q It says: "Mr. Jorden, hope this is	11:10:20

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1	helpful, Mike." Is that your e-mail address? Did	11:10:24
2	you send that to him?	11:10:28
3	MR. REDD: Objection; compound.	11:10:29
4	A Please ask your questions one at a time,	11:10:32
5	Mr. Stern.	11:10:36
6	Q Did you send that e-mail to Mr. Jordan?	11:10:36
7	A I don't know.	11:10:38
8	Q Why don't you know? What would you need	11:10:39
9	to look at to know whether or not you sent this	11:10:43
10	e-mail to him?	11:10:45
11	MR. REDD: Objection to form.	11:10:46
12	A I don't know.	11:10:48
13	Q Do you recall saying to Mr. Jordan or	11:10:49
14	writing to Mr. Jordan that you hope -- that you	11:10:55
15	hope this information is helpful?	11:10:57
16	A I remember speaking to Mr. Jordan about	11:10:58
17	information that I hoped was helpful to him.	11:11:04
18	Q Why did you want to provide information	11:11:09
19	that was helpful to Mr. Jordan?	11:11:11
20	MR. REDD: Objection to form.	11:11:14
21	A Probably because he asked me to.	11:11:16
22	Q Do you always provide information to	11:11:22

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1	people that ask you to provide -- to share it with	11:11:27
2	them?	11:11:31
3	MR. JORDAN: Objection; asked and	11:11:31
4	answered.	11:11:33
5	A Do you have a time frame on that? I'm 62	11:11:33
6	years old.	11:11:39
7	Q Just generally speaking, is it your	11:11:39
8	practice to provide information to anyone who asks	11:11:41
9	you to provide it?	11:11:43
10	MR. REDD: Objection; form.	11:11:44
11	A It is my practice to provide information	11:11:46
12	to people who ask for information and I believe it	11:11:53
13	to be appropriate.	11:11:57
14	Q Do you think it's appropriate to be	11:11:57
15	providing information to Mr. Jordan in connection	11:12:01
16	with the lawsuit that David Boshea is filing	11:12:03
17	against -- has filed against Compass Marketing?	11:12:06
18	MR. REDD: Objection to form.	11:12:06
19	A Don't know.	11:12:09
20	Q Well, was it your desire to help	11:12:11
21	Mr. Jordan in connection with the lawsuit that	11:12:15
22	David Boshea has filed against Compass Marketing?	11:12:20

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1	MR. REDD: Objection; asked and answered.	11:12:20
2	It's the same question. We're in double digits of	11:12:25
3	asking the question now. Please move on and stop	11:12:28
4	continuing to ask the same question.	11:12:32
5	Q Mr. White?	11:12:33
6	A I don't know.	11:12:41
7	Q Why do you want to provide helpful	11:12:42
8	information to Mr. Boshea or his attorney in	11:12:46
9	connection with this litigation?	11:12:48
10	MR. REDD: Objection; mischaracterizes	11:12:49
11	prior testimony. Objection to form.	11:12:53
12	A Don't know.	11:12:56
13	MR. STERN: We are going to go to a new	11:12:59
14	exhibit.	11:13:07
15	(White Deposition Exhibit 5 marked for	11:13:07
16	identification and is attached to the transcript.)	11:13:07
17	MR. STERN: It is MRW0000061. And hold	11:13:07
18	on a second. I think there's -- it appears that	11:13:22
19	the documents that were attached are -- go through	11:13:28
20	Bates-labeled '66.	11:13:35
21	Q Do you see this e-mail from Mr. Boshea to	11:13:36
22	michaelrwhite@compass -- @comcast.net dated	11:14:10

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1	December 20 (sic), 2020, at 11:41 p.m.? It says:	11:14:10
2	"Mike, please see attached. I also have hard copy	11:14:15
3	of the non compete/non disclosure. Thx buddy."	11:14:17
4	Do you remember seeing this e-mail?	11:14:21
5	A What is on the screen I think is dated	11:14:22
6	December 28; but I do not remember this particular	11:14:25
7	document.	11:14:30
8	Q Do you know why Mr. Boshea sent this to	11:14:30
9	you?	11:14:34
10	A I do not know.	11:14:34
11	Q Do you remember what was attached to this	11:14:36
12	e-mail?	11:14:38
13	A I -- I do not remember that I received	11:14:38
14	this e-mail. And if there was something attached	11:14:47
15	to it, I don't remember there being anything	11:14:50
16	attached to it.	11:14:53
17	Q Do you know why this document was	11:14:53
18	produced by your counsel in this litigation?	11:15:02
19	A I don't know why my counsel produced	11:15:04
20	something, no.	11:15:07
21	Q Do you recall providing this document to	11:15:07
22	your counsel to be produced in this litigation?	11:15:10

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1	A	The document you have on the screen, I do	11:15:13
2		not recall producing that.	11:15:16
3	Q	We're going to scroll through each of the	11:15:18
4		attachments and see if this refreshes your	11:15:33
5		recollection. The first one on '62, do you recall	11:15:34
6		seeing this as an attachment to an e-mail from Mr.	11:15:39
7		Boshea?	11:15:42
8	A	I -- I don't remember this, no.	11:15:42
9	Q	What about on '63, those handwritten	11:15:49
10		notes; have you seen this -- have you seen these	11:16:04
11		before?	11:16:06
12	A	I may have seen something similar to this	11:16:06
13		before.	11:16:15
14	Q	When did you see it?	11:16:15
15	A	I don't remember.	11:16:16
16	Q	Did you have a discussion with Mr. Boshea	11:16:17
17		about some event that occurred in or about	11:16:20
18		September 16, 2015, regarding salary reductions?	11:16:23
19	A	Try that question again, please, Mr.	11:16:28
20		Stern.	11:16:36
21	Q	Do you recall having a discussion with	11:16:36
22		Mr. Boshea about an event that occurred on or	11:16:40

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1	about September 16, 2015, regarding salary	11:16:41
2	reductions?	11:16:45
3	A I do not.	11:16:45
4	Q On Page '64 do you recall receiving this	11:16:47
5	e-mail from Mr. Boshea?	11:17:08
6	A I -- I don't recall receiving what you	11:17:09
7	have up on the screen, no, sir.	11:17:15
8	Q Do you know why your -- it was produced	11:17:16
9	by your attorney in this case?	11:17:19
10	A I don't know why my attorney produced it.	11:17:20
11	Q Do you recall providing this to your	11:17:27
12	attorney to produce in this litigation?	11:17:29
13	A I don't recall providing what you have up	11:17:31
14	on the screen to my attorney.	11:17:36
15	Q Let's go to Page '65 and '66. Do you	11:17:38
16	recall providing this to your attorney to provide	11:17:46
17	in this litigation?	11:17:48
18	A What you have produced on the screen, I	11:17:48
19	do not recall producing that to my attorney.	11:17:54
20	Q When you qualify your answer by saying	11:17:57
21	what you produced on the screen, are you trying to	11:18:00
22	say the electronic image or are you talking about	11:18:02

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1	a copy of the document or is there no distinction?	11:18:04
2	A I believe I said it -- I believe I said	11:18:08
3	exactly what I meant.	11:18:10
4	Q What did you mean? Are you saying the	11:18:11
5	actual electronic image that we're looking at or a	11:18:14
6	copy of the document?	11:18:18
7	A I'm referring to the image that's on the	11:18:19
8	screen in front of me.	11:18:28
9	Q So each of the documents that we've gone	11:18:29
10	through so far today you said you had no	11:18:32
11	recollection of producing the document or the	11:18:35
12	image that is on the screen, that answer would	11:18:37
13	change if we say you recall producing printout	11:18:40
14	copies of these documents to your attorney; is	11:18:44
15	that correct?	11:18:46
16	A You just asked two questions, Mr. Stern.	11:18:46
17	Would you mind asking them one at a time?	11:18:52
18	Q Do you recall producing printout copies	11:18:54
19	of the documents we've gone through so far in this	11:19:00
20	litigation -- in this deposition today?	11:19:05
21	MR. REDD: Objection to form.	11:19:06
22	Q Let me reask it. Do you recall providing	11:19:07

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1	printout copies of the e-mails and text messages	11:19:10
2	we've gone through so far in this deposition today	11:19:13
3	and providing those to your attorney to produce in	11:19:15
4	this litigation?	11:19:18
5	A I remember producing documents to my	11:19:18
6	attorney. I do not remember that the items you	11:19:24
7	were putting up on the screen are those documents	11:19:28
8	or not.	11:19:31
9	MR. STERN: I would like to go to Page --	11:19:55
10	or Bates label MRW0000069.	11:19:56
11	(White Deposition Exhibit 6 marked for	11:19:56
12	identification and is attached to the transcript.)	11:19:58
13	MR. REDD: Is this Exhibit 6 now?	11:19:58
14	MR. STERN: Whatever number we're up to.	11:19:58
15	I'll leave that to the court -- is it 6, Madam	11:19:58
16	Court Reporter?	11:20:23
17	THE COURT REPORTER: It is.	11:20:23
18	MR. STERN: Thank you.	11:20:28
19	MR. REDD: This is a new thing. Okay.	11:20:28
20	Thanks.	11:20:30
21	MR. STERN: Can you scroll down to the	11:20:34
22	bottom, please. Please scroll down a little bit.	11:20:35

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1	Can you scroll down a little bit?	11:21:05
2	MS. YEUNG: Can you hear me? That's the	11:21:06
3	entire document. If you want more than --	11:21:10
4	MR. STERN: That's the -- okay.	11:21:10
5	MS. YEUNG: Do you want more than just	11:21:10
6	Page '69?	11:21:10
7	MR. STERN: Oh, that's right, it's	11:21:14
8	printed a little bit awkwardly.	11:21:14
9	Q All right. Do you recall sending an	11:21:17
10	e-mail to Mr. Jordan with a copy to Daniel White	11:21:19
11	on September 19, 2021?	11:21:22
12	A I remember sending a document to	11:21:25
13	Mr. Stern -- or e-mail to Mr. Jordan. I do not	11:21:32
14	remember the date.	11:21:37
15	Q Do you remember what was attached to this	11:21:37
16	document or this e-mail?	11:21:41
17	A Which e-mail?	11:21:41
18	Q The e-mail on September 19, 2021. There	11:21:44
19	is no subject line. There is no text to the	11:21:48
20	e-mail. It's just an e-mail -- it just says	11:21:50
21	e-mail from you to Greg Jordan, Cc: Daniel White.	11:21:52
22	Do you remember what was attached to that?	11:21:58

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1	A	I can -- I know what was attached to an	11:21:59
2		e-mail I sent to Mr. Jordan at some point.	11:22:09
3	Q	So you --	11:22:09
4	A	But I don't know the date, the date of	11:22:17
5		the -- of the e-mail.	11:22:19
6	Q	So you only recall sending one e-mail to	11:22:19
7		Mr. Jordan with an attachment; is that correct?	11:22:24
8	A	No, that's not correct.	11:22:26
9	Q	So how many e-mails have you sent to	11:22:28
10		Mr. Jordan with attachments to them?	11:22:31
11	A	I don't know.	11:22:33
12	Q	What were some -- can you identify as	11:22:34
13		many attachments as you can recall that you sent	11:22:38
14		to Mr. Jordan?	11:22:41
15		MR. REDD: Objection to form.	11:22:41
16	A	I sent Mr. Jordan an attachment which I	11:22:45
17		believed was Mr. Boshea's severance agreement, I	11:22:52
18		sent Mr. Jordan an attachment that contains	11:22:59
19		signature pages with John White's signature on	11:23:04
20		them, and I sent Mr. Jordan an e-mail with	11:23:09
21		complete -- complete documents with John White's	11:23:23
22		signature on them.	11:23:31

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1	Q	The agreement that you said you thought	11:23:34
2		was Mr. Boshea's severance agreement, why did you	11:23:37
3		believe it was the severance agreement if you had	11:23:43
4		no knowledge that it existed in 2007?	11:23:46
5	MR. REDD:	Objection to form.	11:23:48
6	A	Please ask your question again.	11:23:51
7	MR. STERN:	Can you please repeat the	11:23:56
8		question, Madam Court Reporter.	11:24:09
9		(The pending question was read.)	11:24:09
10	A	Because I sent it in 2021.	11:24:09
11	Q	The document that you sent in 2021, was	11:24:19
12		it an executed copy of the agreement?	11:24:24
13	A	I don't believe so.	11:24:27
14	Q	Have you at any point in time confirmed	11:24:33
15		that Mr. Boshea does have a severance agreement	11:24:39
16		with Compass Marketing?	11:24:44
17	A	I have never confirmed that, no.	11:24:44
18	Q	So you don't know whether he has --	11:24:50
19		whether he has actually entered into a severance	11:24:53
20		agreement or not; is that fair to say?	11:24:56
21	A	I do --	11:24:58
22	MR. REDD:	Objection to form.	11:24:58

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1	Go ahead.	11:25:03
2	A I do not know if he has entered into a	11:25:03
3	severance agreement.	11:25:07
4	Q Do you know whether he has entered into	11:25:08
5	any agreement that includes any provision of	11:25:12
6	severance to him?	11:25:15
7	A I do not know.	11:25:20
8	MR. STERN: I would like to now turn to a	11:25:20
9	new exhibit Bates-labeled DJW000021.	11:25:37
10	(White Deposition Exhibit 7 marked for	11:25:37
11	identification and is attached to the transcript.)	11:25:38
12	MR. STERN: That extends to '20 -- '22.	11:25:38
13	Scroll down a little bit.	11:26:13
14	Q We'll just -- actually we'll start with	11:26:26
15	the -- the original e-mail in this thread is from	11:26:29
16	you to Greg Jordan on September 16, 2021, at 11:24	11:26:30
17	p.m. Do you see that?	11:26:37
18	A I see that it says that, yes.	11:26:38
19	Q Do you recall sending this e-mail to	11:26:47
20	Mr. Jordan?	11:26:51
21	A I do not.	11:26:51
22	Q Do you deny sending this e-mail to	11:26:55

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1	Mr. Jordan?	11:26:58
2	A I do not.	11:26:58
3	Q Scrolling up a little bit, do you see	11:26:59
4	Mr. Jordan responded, saying: "Do you have any	11:27:06
5	severance agreements to which Compass is a party?"	11:27:09
6	It's dated September 17, 2021, at 12:32 p.m. It's	11:27:12
7	a copy to -- with a Cc: Copy to Daniel White. Do	11:27:18
8	you see that?	11:27:21
9	A I see that it says that, yes.	11:27:21
10	Q Did you end up sending any severance	11:27:23
11	agreements to Mr. Jordan?	11:27:27
12	A None that I'm aware of, no.	11:27:28
13	Q Do you know why he asked you to send any	11:27:35
14	severance agreements?	11:27:38
15	A I do not know why he asked me to	11:27:39
16	send if -- if in fact he did.	11:27:42
17	Q Did you have access to any Compass	11:27:44
18	Marketing severance agreement in September of	11:27:51
19	2021?	11:27:52
20	A Not that I know of.	11:27:52
21	Q And the top e-mail from Daniel White to	11:28:03
22	Greg Jordan and you dated September 17, 2021, at	11:28:09

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1	2:27 p.m., do you see that?	11:28:14
2	A I see that it says that, yes. It's sent	11:28:17
3	to my e-mail address.	11:28:17
4	Q And it purports to attach a standard	11:28:17
5	agreement?	11:28:21
6	THE COURT REPORTER: I'm sorry; I didn't	11:28:21
7	hear the end of your answer, sir, or the question.	11:28:21
8	A I see that --	11:28:21
9	THE COURT REPORTER: I heard you say "I	11:28:21
10	see that it says that, yes," but I thought you	11:28:21
11	said something after that.	11:28:21
12	THE WITNESS: I believe that I said I see	11:28:21
13	that it was sent to my e-mail address.	11:28:44
14	THE COURT REPORTER: Thank you.	11:28:45
15	Q Do you deny receiving this e-mail?	11:28:45
16	A I do not.	11:28:47
17	Q This e-mail purports to attach a standard	11:28:48
18	agreement and side/secret agreement to sell	11:28:53
19	Mitchell 2,193 shares of Tagnetics stock. Do you	11:28:57
20	know how Daniel White was able to access those	11:29:03
21	agreements in September of 2021?	11:29:06
22	A I do not.	11:29:07

Transcript of Michael R. White
Conducted on December 1, 2021

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1	Q	Is there a reason why you did not produce	11:29:09
2		a copy of this e-mail in your document production?	11:29:15
3	A	I -- I produced everything I had that I	11:29:19
4		thought was related to -- to this suit.	11:29:26
5	Q	So have you had communications with Greg	11:29:31
6		Jordan that were not related to this lawsuit?	11:29:35
7	A	I have.	11:29:37
8	Q	When did those discussions occur?	11:29:42
9	A	I don't know.	11:29:47
10	Q	Were they after the filing of the	11:29:50
11		lawsuit?	11:29:54
12	A	I believe so, yes.	11:29:54
13	Q	When did you first get to know who	11:29:58
14		Mr. Jordan is?	11:30:05
15	A	I -- I believe when he called me is the	11:30:05
16		first time I talked with him.	11:30:13
17	Q	What are the discussions you've had with	11:30:16
18		Mr. Jordan that are not related to this lawsuit?	11:30:21
19	A	We discussed my position on the -- the	11:30:23
20		Orphans Court, discussed my granddaughter, I think	11:30:34
21		we discussed my years of being a State trooper.	11:30:47
22		That's all I can remember.	11:30:55

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1	MR. STERN: I'd like to go to a new	11:30:56
2	Exhibit, DJW000030 through '39.	11:31:04
3	(White Deposition Exhibit 8 marked for	11:31:04
4	identification and is attached to the transcript.)	11:31:07
5	Q It is an e-mail dated September 17, 2021,	11:31:07
6	from michaelrwhite@comcast.net to Gregory Jordan	11:31:28
7	with a Cc: Copy to Daniel White. Do you see that?	11:31:29
8	A I see that that's what it says, yes.	11:31:33
9	Q And the e-mail reads: "Mr. Jorden,	11:31:35
10	Attached are some samples of John White's	11:31:38
11	signature. There are a couple more contained in	11:31:40
12	the exhibits of my filed response yesterday.	11:31:44
13	Mike."	11:31:46
14	Did you send that e-mail to Mr. Jordan?	11:31:46
15	A I don't know.	11:31:49
16	Q You earlier testified that you sent	11:31:50
17	Mr. Jordan some signature samples of John White.	11:31:55
18	Is this the e-mail in which you sent those	11:31:58
19	signature samples?	11:32:00
20	A I don't know.	11:32:01
21	Q Are you denying that you sent this e-mail	11:32:01
22	to Mr. Jordan?	11:32:08

Transcript of Michael R. White
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1	A	I am not.	11:32:08
2		MR. STERN: All right. Let's scroll to	11:32:13
3		the first page after, '31, which is part of this.	11:32:14
4	Q	Is this one of the signature samples that	11:32:17
5		you sent to Mr. Jordan from John White?	11:32:21
6	A	I don't know.	11:32:24
7	Q	Are you denying sending this signature	11:32:24
8		sample to Mr. Jordan?	11:32:33
9	A	I am not.	11:32:34
10	Q	How did you access this document?	11:32:36
11	A	I don't know that I accessed it.	11:32:40
12	Q	How did you have a copy of it to send to	11:32:49
13		Mr. Jordan?	11:32:52
14	A	I -- I don't know.	11:32:53
15	Q	Are you denying sending this attachment	11:32:53
16		to Mr. Jordan?	11:33:02
17	A	I am not.	11:33:03
18	Q	Do you have access to canceled or void --	11:33:04
19		I'm sorry; do you have -- it says "VOID" on this.	11:33:18
20		Do you have access to Tagnetics' checks from 2014?	11:33:21
21	A	I don't know.	11:33:28
22	Q	I want to be clear. You don't know	11:33:36

Transcript of Michael R. White
Conducted on December 1, 2021

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1	whether you can access Tagnetics' checks from	11:33:42
2	2014?	11:33:48
3	A That's not the question you asked me.	11:33:48
4	Q All right. Let me ask it then.	11:33:49
5	A To answer your question, no, I cannot	11:33:52
6	access Tagnetics' checks from 2014.	11:33:55
7	Q So then you deny sending this attachment	11:34:00
8	to Mr. Jordan; is that correct?	11:34:05
9	MR. REDD: Objection to form;	11:34:07
10	mischaracterizes prior testimony.	11:34:11
11	A No, I do not deny that.	11:34:12
12	Q Then how would you go about providing a	11:34:16
13	copy of a Tagnetics' check from 2014 to	11:34:19
14	Mr. Jordan?	11:34:24
15	A I don't know that I did.	11:34:24
16	Q What were the samples of John White's	11:34:29
17	signature that you sent to Mr. Jordan?	11:34:33
18	A I believe they were signature pages on	11:34:37
19	noncompete agreements with employees of Compass	11:34:48
20	Marketing.	11:34:53
21	Q So these documents that Daniel White	11:34:53
22	produced, which you did not produce, were not	11:35:05

Transcript of Michael R. White
Conducted on December 1, 2021

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1	actually attached to this e-mail?	11:35:09
2	MR. REDD: Objection to form.	11:35:11
3	A I don't know.	11:35:14
4	Q Did you send Mr. Jordan any Tagnetics'	11:35:15
5	checks as sample signatures for John White?	11:35:30
6	A I don't know.	11:35:31
7	Q How would you find out what you sent to	11:35:31
8	Mr. Jordan as signature samples for John White?	11:35:37
9	A I don't know.	11:35:41
10	Q Would they still be in your e-mail	11:35:41
11	account?	11:35:51
12	A I don't know that they were ever in my	11:35:51
13	e-mail account.	11:35:58
14	Q So how did you transmit signature	11:35:58
15	samples --	11:36:02
16	A I don't know.	11:36:02
17	Q -- to Mr. Jordan of John White?	11:36:03
18	A Try your question again, please.	11:36:05
19	Q How did you send signature samples of	11:36:12
20	John White to Mr. Jordan?	11:36:16
21	A I e-mailed them to him.	11:36:17
22	Q So would they be in your e-mail account	11:36:20

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1	to determine what you actually sent copies of to	11:36:25
2	Mr. Jordan to reflect John White's signature	11:36:28
3	samples?	11:36:32
4	A I don't know.	11:36:32
5	Q Do you -- did you delete all the e-mails	11:36:33
6	you sent to Mr. Jordan?	11:36:38
7	A I did not.	11:36:39
8	Q Did you delete any e-mails that you sent	11:36:41
9	to Mr. Jordan?	11:36:44
10	A Not that I'm aware of.	11:36:47
11	Q So you would be able to confirm what you	11:36:50
12	sent to Mr. Jordan by looking at your e-mail	11:36:52
13	account?	11:36:56
14	A I don't know.	11:36:56
15	Q Does anyone else operate or access your	11:36:57
16	e-mail account other than you?	11:37:03
17	A Not that I'm aware of.	11:37:04
18	Q Is it your contention --	11:37:08
19	MR. STERN: Scroll back up, please, to	11:37:13
20	the e-mail.	11:37:15
21	Q -- that someone sent this e-mail other	11:37:24
22	than you?	11:37:25

Transcript of Michael R. White
Conducted on December 1, 2021

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1	MR. REDD: Objection to asking	11:37:26
2	contentions of a nonparty.	11:37:33
3	Go ahead.	11:37:35
4	A That is not my contention.	11:37:36
5	Q So who sent this e-mail from	11:37:38
6	michaelrwhite@comcast.net to Gregory Jordan with a	11:37:47
7	Cc: Copy to Daniel White on September 17, 2021, at	11:37:48
8	12:24 a.m.?	11:37:52
9	A I don't know that it was sent; and if it	11:37:54
10	was, I don't remember sending it.	11:37:57
11	Q I'd like to skip to a new exhibit,	11:38:00
12	DJW00 --	11:38:34
13	MR. REDD: I'd like to take a break,	11:38:34
14	Steve. Sorry to interrupt. I'd like a break	11:38:41
15	soon.	11:38:41
16	MR. STERN: Well, since we've got to	11:38:41
17	break in 20 minutes for Greg, can we wait until	11:38:43
18	then or?	11:38:47
19	MR. REDD: Yes. I didn't realize that	11:38:47
20	was coming up. That's fine.	11:38:49
21	MR. STERN: Is that all right, Justin?	11:38:50
22	MR. REDD: Yes, thank you.	11:38:52

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Conducted on December 1, 2021

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1	MR. STERN: All right.	11:38:52
2	MR. REDD: I didn't realize that was	11:38:54
3	scheduled.	11:38:56
4	MR. STERN: DJW000719, it's three zeros,	11:38:56
5	through '720.	11:39:03
6	(White Deposition Exhibit 9 marked for	11:39:03
7	identification and is attached to the transcript.)	11:39:03
8	MS. YEUNG: '719 through '720 you said?	11:39:03
9	MR. STERN: Yes. Heather, it's also	11:39:36
10	Document 71-9 in one of the filings in this Court.	11:40:12
11	71-9 and 71-10 are the next two that I'd like to	11:40:27
12	pull up.	11:40:32
13	MS. YEUNG: I will be ready with that.	11:40:33
14	MR. STERN: I could always go back to	11:40:40
15	those and go to another.	11:40:43
16	MS. YEUNG: '719 to '720.	11:40:46
17	Q All right. Mr. White, do you see this	11:40:52
18	e-mail that was produced by Daniel White in this	11:40:57
19	litigation, DJW000719 through 000720? Do you see	11:41:00
20	that?	11:41:06
21	A I see a partial e-mail, what looks like a	11:41:06
22	partial e-mail, up on the screen.	11:41:13

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1	MR. STERN: Heather, why don't you scroll	11:41:14
2	through it.	11:41:21
3	Q The original e-mail in this thread is	11:41:21
4	from you, Michael R. White, dated May 23, 2019 --	11:41:29
5	no, it's not; I'm sorry. It's not.	11:41:38
6	It is from Julia Flood -- I'm sorry --	11:41:38
7	dated May 23, 2019, and it is sent to Todd	11:41:44
8	Mitchell, John White, Chris Feiss, Kevin Nemetz,	11:41:48
9	Jesse Williams, Jerry Cain, and David Boshea. Do	11:41:53
10	you see that?	11:41:58
11	A I see it's sent to a tmitchell, jwhite, a	11:41:58
12	cfeiss, knemetz, jwilliams, jcain, and dboshea.	11:42:15
13	Q So you were not a recipient of this	11:42:18
14	e-mail; correct?	11:42:22
15	A I don't know.	11:42:23
16	Q Do you know how you obtained a copy of	11:42:23
17	this e-mail?	11:42:27
18	A I don't know that I did receive a copy of	11:42:27
19	that e-mail.	11:42:32
20	Q Well, the next thing on the thread above	11:42:32
21	it is from Michael White, it says	11:42:38
22	mwhite@compassmarketinginc.com, to	11:42:43

Transcript of Michael R. White
Conducted on December 1, 2021

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1	michaelrwhite@comcast.net dated May 23, 2019, at	11:42:47
2	1:25 p.m. Do you see that?	11:42:51
3	A I see that's what it says, yes.	11:42:53
4	Q Were you employed by Compass Marketing on	11:42:55
5	May 23, 2019?	11:43:03
6	MR. REDD: Objection; form.	11:43:04
7	A Yes.	11:43:05
8	Q What were you -- what was -- in what	11:43:07
9	capacity were you employed by Compass Marketing on	11:43:10
10	May 23, 2019?	11:43:13
11	A Owner.	11:43:14
12	Q So as an owner you're automatically	11:43:17
13	considered an employee of the company?	11:43:22
14	MR. REDD: Objection; form.	11:43:23
15	A Please ask your question again.	11:43:27
16	Q As an owner you consider yourself an	11:43:30
17	employee of the company as well?	11:43:33
18	A I consider myself to be an owner of the	11:43:34
19	company.	11:43:43
20	Q So were you employed by Compass Marketing	11:43:43
21	on May 23, 2019?	11:43:47
22	A Yes.	11:43:48

Transcript of Michael R. White
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1	Q	Yes? In what capacity were you employed	11:43:48
2		by the company?	11:43:52
3	A	As an owner.	11:43:52
4	Q	And what job duties were you performing	11:43:57
5		for the company on May 23, 2019?	11:43:59
6	A	I am an owner of Compass Marketing.	11:44:01
7		Those were -- that is what I was doing.	11:44:12
8	Q	What did you do on behalf of Compass	11:44:13
9		Marketing as an owner in May of 2019?	11:44:19
10		MR. REDD: Objection to form.	11:44:21
11	A	I owned it.	11:44:26
12	Q	Did you do anything else on behalf of it	11:44:27
13		other than own it?	11:44:34
14		MR. REDD: Objection to form.	11:44:35
15		You can answer.	11:44:41
16	A	I owned it, Mr. Stern.	11:44:41
17	Q	And is -- were you helping in any	11:44:43
18		capacity with sales?	11:44:50
19	A	I didn't hear your question. Try it	11:44:51
20		again.	11:44:55
21	Q	Were you helping in any capacity with	11:44:55
22		sales?	11:44:58

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1	A	I owned Compass Marketing.	11:44:58
2	Q	Were you helping in any capacity with	11:45:03
3		sales?	11:45:07
4	A	I owned Compass Marketing, Mr. Stern.	11:45:07
5	Q	That's not my question.	11:45:11
6	A	That's my answer.	11:45:13
7	Q	Were you helping with the management of	11:45:14
8		the company in May 2019?	11:45:18
9	A	I owned Compass Marketing.	11:45:19
10	Q	And my question is, were you helping with	11:45:22
11		the management of the company in May of 2019?	11:45:26
12	A	My answer is I owned Compass Marketing in	11:45:28
13		May of 2019.	11:45:34
14	Q	Is there a reason why you forwarded this	11:45:35
15		e-mail to Daniel White on or about May 23, 2019,	11:45:45
16		at 1:33 p.m.?	11:45:50
17	A	I don't know that I forwarded it to	11:45:52
18		Daniel White at (indiscernible).	11:45:55
19		(Talking over.)	11:45:55
20	Q	Is there a reason why you forwarded it	11:45:55
21		from compassmarketinginc.com to	11:46:00
22		michaelrwhite@comcast.net on May 23 at 1:25 p.m.	11:46:04

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1	in 2019?	11:46:11
2	A I don't know that I did.	11:46:11
3	Q Are you denying that you did?	11:46:14
4	A I am not.	11:46:16
5	Q Did you have access to your	11:46:17
6	compassmarketinginc.com e-mail address in May	11:46:22
7	2019?	11:46:23
8	A I did.	11:46:23
9	Q On what basis were you accessing your	11:46:27
10	compassmarketinginc.com e-mail address in May of	11:46:35
11	2019?	11:46:38
12	MR. REDD: Objection to form.	11:46:38
13	A I don't know that I was.	11:46:40
14	Q Do you know how this e-mail then got	11:46:41
15	forwarded from Compass Marketing, Inc., to	11:46:49
16	comcast.net from you?	11:46:53
17	A I don't remember.	11:46:54
18	Q When was the last time you accessed your	11:46:54
19	compassmarketinginc.com e-mail address?	11:46:59
20	A Can you define access?	11:47:00
21	Q When was the last time you went in and	11:47:02
22	reviewed any e-mails from the	11:47:08

Transcript of Michael R. White
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1	mwhite@compassmarketinginc.com?	11:47:11
2	A I reviewed e-mails from Mike --	11:47:11
3	mwhite@compassmarketinginc.com when I produced my	11:47:31
4	discovery to my attorney.	11:47:32
5	Q And when you reviewed those, were those	11:47:33
6	sitting in electronically the	11:47:37
7	compassmarketinginc.com account?	11:47:39
8	A No.	11:47:39
9	Q So you were only reviewing printouts?	11:47:44
10	A No.	11:47:48
11	MR. REDD: Objection to form.	11:47:49
12	Q So when was the last time you actually	11:47:50
13	went into the account and looked at the e-mails in	11:47:53
14	digital form in the mwhite@compassmarketinginc.com	11:47:57
15	account?	11:47:58
16	A I don't know.	11:47:58
17	Q Was it before -- was it -- have you	11:48:03
18	accessed -- let me ask you this: Have you logged	11:48:08
19	into the mwhite@compassmarketinginc.com account	11:48:11
20	since January 1 of 2021?	11:48:15
21	A Yes.	11:48:17
22	Q How often?	11:48:17

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1	A	I don't know.	11:48:22
2	Q	And when you access the	11:48:24
3		mwhite@compassmarketinginc.com account, did you	11:48:29
4		access the e-mail accounts of anyone else with a	11:48:33
5		compassmarketinginc.com URL or e-mail address?	11:48:39
6	A	No.	11:48:40
7	Q	Why did you log into the	11:48:43
8		compassmarketinginc.com e-mail account?	11:48:53
9	A	Don't know.	11:48:53
10	Q	What is the login and password for the	11:48:56
11		compassmarketinginc.com e-mail address?	11:49:04
12	A	I don't know.	11:49:04
13		MR. REDD: Objection.	11:49:04
14	Q	You just said you accessed it and logged	11:49:05
15		in. So please identify what the login information	11:49:08
16		is for the m -- so you can access the	11:49:11
17		mwhite@compassmarketinginc.com e-mail address?	11:49:20
18		MR. REDD: Objection. And if you want	11:49:20
19		Mr. White to step out while we discuss this, you	11:49:25
20		may want him to, so we can ask --	11:49:31
21		MR. STERN: Yes, you can step out for	11:49:32
22		this one.	11:49:34

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1	MR. REDD: Okay.	11:49:34
2	Go ahead. Step out of the room.	11:49:36
3	(Mr. White left the room.)	11:49:38
4	VIDEO TECHNICIAN: Is this still on the	11:49:41
5	record?	11:49:45
6	MR. STERN: Yes.	11:49:46
7	VIDEO TECHNICIAN: Okay.	11:49:46
8	MR. REDD: Yes. So in this lawsuit David	11:49:50
9	Boshea versus Compass Marketing --	11:49:52
10	MR. JORDAN: Hey, who's talking right	11:49:52
11	now?	11:49:56
12	MR. REDD: This is Justin Redd.	11:49:56
13	MR. JORDAN: Oh, okay.	11:49:58
14	MR. REDD: -- (continuing) what is the --	11:49:58
15	what is the proffer as to how Mr. White's login	11:50:02
16	and password (indiscernible) --	11:50:10
17	MR. JORDAN: Are we supposed to be	11:50:10
18	hearing you, Justin?	11:50:14
19	THE COURT REPORTER: I'm sorry; I didn't	11:50:15
20	hear the end there, Mr. Redd.	11:50:19
21	MR. STERN: Justin, can you speak a	11:50:21
22	little bit louder? It's very faint in hearing	11:50:22

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1	you.	11:50:25
2	MR. REDD: What's the proffer for why	11:50:25
3	this -- the question you are asking is	11:50:28
4	discoverable in this case? It seems to me that	11:50:30
5	this is calculated to try to get information that	11:50:33
6	Compass Marketing may want to use in other	11:50:41
7	proceedings, other investigations, other lawsuits.	11:50:43
8	It has nothing to do with David Boshea's case.	11:50:46
9	I sat back and let, you know, questioning	11:50:50
10	go and to give leeway here, but at some point it	11:50:53
11	has nothing to do with this lawsuit, with this	11:50:58
12	third-party witness. I don't think this is a	11:51:01
13	proper question and I don't think the witness	11:51:05
14	should have to answer it.	11:51:07
15	MR. STERN: This document was produced by	11:51:08
16	another third-party witness in this litigation. I	11:51:10
17	want to know how Michael White accessed it and I	11:51:12
18	want to know why he is accessing Compass Marketing	11:51:15
19	e-mails after his employment with the company	11:51:19
20	terminated and after he was removed from the board	11:51:21
21	of directors. It goes to motive, it goes to his	11:51:24
22	level of dishonesty, which -- and credibility is	11:51:26

Transcript of Michael R. White
Conducted on December 1, 2021

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1	always relevant in any aspect of litigation.	11:51:30
2	Because part of Compass Marketing's theory is this	11:51:33
3	is a concoction between him and Daniel White in	11:51:35
4	collaboration with Mr. Boshea to create a false	11:51:42
5	narrative about a severance agreement that never	11:51:43
6	existed. And if he is accessing documents and	11:51:47
7	accounts long after he's gone, that shows motive,	11:51:50
8	opportunity, and an incentive to do so.	11:51:53
9	MR. REDD: Okay. Two things: The --	11:51:55
10	whether -- whether those types of inquiries are	11:52:01
11	proper or not, putting that aside, someone's	11:52:06
12	personal login and password I don't think is	11:52:10
13	discoverable. And all this --	11:52:16
14	MR. STERN: Justin, to that point, I'm	11:52:20
15	not asking for his personal login information --	11:52:21
16	MR. REDD: Hold on, hold on, hold on.	11:52:21
17	We've got to go one at a time here.	11:52:21
18	MR. STERN: -- I'm asking for company	11:52:24
19	information, and I'm a company representative as	11:52:25
20	its counsel.	11:52:27
21	MR. REDD: We've got to go one at a time.	11:52:27
22	The second thing is those things that you	11:52:30

Transcript of Michael R. White
Conducted on December 1, 2021

99

1 mentioned, it plainly is trying to be used for 11:52:34
2 other litigations or other investigations. It's 11:52:39
3 not in -- whether someone produced this document 11:52:42
4 in this case, someone else did, this doesn't have 11:52:46
5 any relation to Mr. Boshea's employment, 11:52:51
6 severance, compensation, what he's owed or not. 11:52:58
7 And those type of allegations, including the 11:53:01
8 disputed ownership of the company, is outside the 11:53:06
9 scope of any of the Court's orders, outside the 11:53:09
10 scope of the proper -- proper discovery, and this 11:53:13
11 question specifically about a login and password 11:53:15
12 is not a proper question. So as to -- 11:53:19
13 MR. STERN: Mr. Redd -- 11:53:19
14 MR. REDD: -- from the topics and the 11:53:25
15 credibility or any of that information, the login 11:53:26
16 and password is not a proper question so he is not 11:53:29
17 answering. 11:53:31
18 MR. STERN: Mr. -- Mr. Redd, I did not 11:53:31
19 ask for his personal login information to his -- 11:53:33
20 to his comcast.net account. I would agree with 11:53:39
21 you that that's not something I can ask. I'm 11:53:42
22 asking about his compassmarketinginc.com access. 11:53:44

Transcript of Michael R. White
Conducted on December 1, 2021

100

1	Two very different things. So...	11:53:52
2	MR. REDD: They are. Go ahead.	11:53:54
3	MR. STERN: I'd like to get that	11:53:58
4	information. If you're going to instruct him not	11:54:00
5	to answer, you can do that. There will be plenty	11:54:02
6	of things that we are going to take up with the	11:54:05
7	Court with his evasiveness and other problems with	11:54:07
8	his answers today. And some of the objections you	11:54:09
9	noted, we will be getting into some of that	11:54:11
10	because it goes to credibility and you know it.	11:54:12
11	So let's get him back on the record.	11:54:18
12	We've got a few more minutes before Greg's got to	11:54:21
13	take a break. I want to be respectful of Greg's	11:54:28
14	hearing.	11:54:28
15	MR. REDD: That's fine. Well, yeah, he's	11:54:28
16	going to get an instruction not to answer. I	11:54:30
17	understand your -- the distinction you're trying	11:54:34
18	to draw between the personal e-mail and the	11:54:37
19	Compass Marketing e-mail, but I think all of the	11:54:40
20	reasons I stated still apply to the Compass	11:54:41
21	Marketing e-mail for Mr. White. And so for	11:54:46
22	purposes of allowing me to make a 30(b) motion	11:54:48

Transcript of Michael R. White
Conducted on December 1, 2021

101

1	when we get the transcript, he will be instructed	11:54:52
2	not to answer.	11:54:55
3	MR. STERN: All right. Well, then let's	11:54:56
4	get that instruction on the record and then we'll	11:54:58
5	take a break.	11:55:01
6	(Mr. White entered the room.)	11:55:06
7	BY MR. STERN:	11:55:29
8	Q All right. We're back on. Well, we've	11:55:30
9	been on the record the whole time.	11:55:30
10	So, Mr. White, my question to you is what	11:55:32
11	is your compassmarketinginc.com password and	11:55:34
12	access information?	11:55:38
13	MR. REDD: Objection. On behalf of the	11:55:38
14	witness we intend to move under Rule 30(b) of the	11:55:45
15	Federal Rules of Civil Procedure.	11:55:51
16	So I instruct you not to answer.	11:55:53
17	MR. STERN: All right. We obviously do	11:55:55
18	not accept that objection as being appropriate.	11:55:57
19	We will take that up with the Court.	11:55:59
20	In recognition of Mr. Jordan's request	11:56:02
21	that we take a break at noon, I've got on my East	11:56:04
22	Coast time on my clock it's 11:56. Why don't we	11:56:07

Transcript of Michael R. White
Conducted on December 1, 2021

102

1	take a break.	11:56:11
2	I guess a quick question to everyone	11:56:13
3	involved: Since it is kind of the lunch hour, do	11:56:15
4	we want to take a lunch break and resume more than	11:56:17
5	the 15 minutes or so that you needed for the	11:56:21
6	hearing, Greg?	11:56:23
7	MR. JORDAN: I don't -- I don't need any	11:56:24
8	more than 15 minutes, but it's totally up to the	11:56:27
9	rest -- the witness and you.	11:56:28
10	MR. STERN: Mr. White?	11:56:29
11	MR. REDD: Why don't we come back at	11:56:31
12	12:30, unless Greg's hearing is literally going to	11:56:36
13	be minutes in length.	11:56:39
14	MR. JORDAN: It will be less than that.	11:56:39
15	12:30 is fine.	11:56:41
16	MR. STERN: 12:30 is fine with me as	11:56:43
17	well. Everyone is to resume then at 12:30. Thank	11:56:45
18	you.	11:56:46
19	MR. JORDAN: Okay. I'm going to just	11:56:46
20	turn off my video and my microphone and otherwise	11:56:50
21	stay on the Zoom.	11:56:54
22	VIDEO TECHNICIAN: Okay. We are off the	11:56:54

Transcript of Michael R. White
Conducted on December 1, 2021

103

1	record at 11:57 a.m.	11:56:56
2	(A recess was taken.)	11:56:56
3	VIDEO TECHNICIAN: The time is 12:32 p.m.	12:32:04
4	We are on the record.	12:32:06
5	MR. STERN: All right. We're resumed.	12:32:09
6	And I'd like to go through each of the attorneys	12:32:10
7	and parties as we did at the outset of the	12:32:12
8	deposition, representing and confirming, I should	12:32:15
9	say, that there is no one else in the room or	12:32:19
10	connected electronically, whether it be through	12:32:23
11	phone or video, listening in or accessing this	12:32:27
12	deposition live.	12:32:31
13	So this is Stephen Stern, counsel for	12:32:31
14	Compass Marketing, Inc. I'm in my office and I'm	12:32:36
15	accompanied by a company representative, Ronald	12:32:39
16	Bateman, and I have no -- he is not on the video,	12:32:40
17	but he's here in my office with me. And I have no	12:32:42
18	phone or other video connection to this	12:32:46
19	deposition.	12:32:48
20	MR. JORDAN: All right. Gregory	12:32:48
21	Jordan --	12:32:51
22	THE WITNESS: Michael White and --	12:32:51

Transcript of Michael R. White
Conducted on December 1, 2021

104

1	MR. JORDAN: -- for David Boshea. I make	12:32:53
2	the same representation.	12:32:53
3	THE WITNESS: Michael White and his	12:32:59
4	counsel, Justin Redd, are here, just the two of	12:32:59
5	us. No one else is listening in. Same	12:33:01
6	representation as you and Steve.	12:33:04
7	MR. STERN: And, Heather, why don't you	12:33:05
8	just quickly confirm.	12:33:09
9	MS. YEUNG: Heather Yeung is back. I'm	12:33:09
10	in my office alone, nothing recording.	12:33:14
11	MR. STERN: Thank you.	12:33:14
12	I'd like to go -- Madam Court Reporter,	12:33:14
13	what exhibit number are we up to?	12:33:23
14	THE COURT REPORTER: The next one will be	12:33:24
15	10.	12:33:26
16	MR. STERN: All right. Let's go to	12:33:26
17	Exhibit 10.	12:33:26
18	Heather, it is Document '33 that's been	12:33:26
19	filed in this litigation.	12:33:28
20	BY MR. STERN:	12:33:29
21	Q And while Heather is looking for that,	12:33:29
22	Mr. White, just a fun clarification. Is this the	12:33:40

Transcript of Michael R. White
Conducted on December 1, 2021

105

1	first time you and I have met?	12:33:44
2	A I believe so.	12:33:46
3	Q I'm showing you what's been -- what's	12:33:47
4	going to be Exhibit 10.	12:33:52
5	(White Deposition Exhibit 10 marked for	12:33:52
6	identification and is attached to the transcript.)	12:33:52
7	Q It is Document 33 that has been filed in	12:33:55
8	this litigation.	12:33:58
9	MR. STERN: If you can scroll down,	12:33:59
10	Heather.	12:34:00
11	Q It says: "MICHAEL R WHITE'S OBJECTION TO	12:34:01
12	COMPASS MARKETING, INC.'S SUBPOENA DUCES TECUM,	12:34:07
13	MICHAEL R WHITE'S OBJECTION TO SUBPOENA TO TESTIFY	12:34:09
14	AT DEPOSITION, MICHAEL R WHITE'S MOTION TO QUASH	12:34:10
15	SUBPOENAS DUCES TECUM," AND "MICHAEL R WHITE'S	12:34:14
16	REQUESTS FOR A HEARING BEFORE THIS HONORABLE	12:34:18
17	COURT."	12:34:20
18	Is this the document that you filed in	12:34:21
19	this -- is this a document that you filed in this	12:34:22
20	litigation?	12:34:22
21	MR. REDD: Objection. This is not --	12:34:22
22	this is -- this motion, just know it's been filed,	12:34:26

Transcript of Michael R. White
Conducted on December 1, 2021

106

1	has been ruled on by the Court --	12:34:28
2	THE COURT REPORTER: I'm sorry, Mr. Redd;	12:34:28
3	I can't hear you.	12:34:34
4	MR. REDD: This motion that everyone	12:34:36
5	knows has been filed on the docket and has been	12:34:38
6	ruled on by the Court does not pertain to the	12:34:41
7	scope of the deposition as to Mr. Boshea's claims.	12:34:44
8	Q Mr. White, is this the document that you	12:34:49
9	filed?	12:34:54
10	A It -- it appears to be. I don't know	12:34:54
11	that it is actually the document or not, but it	12:34:58
12	appears to be.	12:35:00
13	MR. STERN: Heather, can you scroll down	12:35:01
14	to the signature line?	12:35:04
15	Q Is that your signature?	12:35:05
16	MR. STERN: Heather, you've got to roll	12:35:13
17	up -- scroll up one.	12:35:17
18	A It appears to be my signature, but I	12:35:19
19	don't know that it is.	12:35:22
20	Q Do you recall filing a motion in this	12:35:22
21	lawsuit?	12:35:27
22	A I do.	12:35:27

Transcript of Michael R. White
Conducted on December 1, 2021

107

1	Q	Did you authorize anyone to sign your	12:35:30
2		name other than yourself when filing that motion?	12:35:33
3		I'm sorry?	12:35:40
4	A	No.	12:35:40
5	Q	Do you want to take a moment to read	12:35:40
6		through this document to confirm that this is the	12:35:47
7		material you filed?	12:35:50
8	A	No.	12:35:51
9	Q	Do you deny filing this document in this	12:35:52
10		litigation?	12:35:56
11	A	No.	12:35:56
12	Q	And attached to this motion were several	12:35:57
13		exhibits; correct?	12:36:03
14	A	I believe so.	12:36:04
15	Q	I'd like to turn to Exhibit 3, which is	12:36:07
16		marked Document No. 33-1.	12:36:24
17	MR. JORDAN:	Is this a new exhibit,	12:36:28
18		Stephen?	12:36:42
19	MR. STERN:	Heather -- yeah, good	12:36:42
20		question. Thank you, Greg.	12:36:44
21	MR. JORDAN:	Because I only have -- I	12:36:44
22		don't have -- I don't have the exhibits with the	12:36:46

Transcript of Michael R. White
Conducted on December 1, 2021

108

1	other one that you sent and I don't want to create	12:36:47
2	a bad record.	12:36:51
3	MR. STERN: No. I agree with you.	12:36:52
4	MS. YEUNG: This will be Exhibit 11.	12:36:52
5	MR. STERN: Okay. So each of the	12:36:55
6	attachments to -- any attachment that we refer to	12:36:57
7	I guess will be a separate exhibit. Is that	12:36:58
8	correct, Heather?	12:37:01
9	MS. YEUNG: Yes.	12:37:02
10	MR. STERN: All right. So this will be	12:37:03
11	Exhibit 11 for the deposition and this is Exhibit	12:37:05
12	3 to the motion that Michael White filed.	12:37:08
13	(White Deposition Exhibit 11 marked for	12:37:08
14	identification and is attached to the transcript.)	12:37:09
15	Q Mr. White, do you see this document?	12:37:09
16	A I -- I see part of it, yes.	12:37:17
17	Q Is this the affidavit that you filed in	12:37:19
18	this litigation?	12:37:26
19	A It appears to be.	12:37:26
20	Q And when you filed -- and when you signed	12:37:29
21	this affidavit --	12:37:32
22	MR. STERN: Can you scroll down, Heather.	12:37:34

Transcript of Michael R. White
Conducted on December 1, 2021

109

1	Q	-- you signed under the penalty of	12:37:35
2		perjury?	12:37:40
3	A	I signed an affidavit under penalty of	12:37:40
4		perjury, yes.	12:37:45
5	Q	Okay. Let's scroll up to Paragraph No.	12:37:45
6		25. I mean No. 5; I'm sorry. No. 5. You wrote:	12:37:52
7		"I am a 25% shareholder of my company, Compass	12:37:53
8		Marketing, Incorporated." Is that a true	12:37:58
9		statement?	12:37:59
10	MR. REDD:	Objection. We're getting into	12:37:59
11		areas -- do you want him to leave before I put	12:38:05
12		this on the record, my objection?	12:38:10
13	MR. STERN:	All right. You can have	12:38:12
14		him -- yeah, that's fine. We'll have Mr. White	12:38:13
15		leave for a moment.	12:38:15
16	MR. REDD:	It's up to you, Stephen.	12:38:17
17	MR. STERN:	Mr. White, can you please	12:38:20
18		leave for a moment?	12:38:22
19	MR. REDD:	Go ahead.	12:38:23
20		(Mr. White left the room.)	12:38:26
21	MR. REDD:	All right. I was waiting to	12:38:28
22		see where you were going to go with getting into	12:38:31

Transcript of Michael R. White
Conducted on December 1, 2021

110

1 this motion and affidavit or any of the exhibits. 12:38:34

2 But this -- this appears to me to have nothing to 12:38:41

3 do with Mr. Boshea's claims, Mr. Boshea's 12:38:46

4 compensation, whether he's owed, what he's saying 12:38:51

5 he's owed in this case or not. 12:38:54

6 The Court ruled on what was the proper 12:38:59

7 scope of inquiry, what the proper scope of 12:39:03

8 documents was, and this isn't part of it. This is 12:39:08

9 against the scope of the Court's order on this 12:39:12

10 motion as to what is and is not relevant and 12:39:15

11 discoverable -- discoverable in the case. 12:39:21

12 MR. STERN: All right. Justin, first of 12:39:21

13 all, the Court did not rule on what the scope of 12:39:24

14 relevance is in this case. 12:39:27

15 Secondly, it is your client that opened 12:39:30

16 the door by making this an issue in his affidavit 12:39:32

17 that he filed in this case. 12:39:35

18 Thirdly, you know full well that 12:39:37

19 impeachment is always relevant and anyone can be 12:39:44

20 cross-examined or their credibility can be 12:39:47

21 challenged and it's always relevant. And it is 12:39:51

22 our contention that he's made several statements 12:39:53

Transcript of Michael R. White
Conducted on December 1, 2021

111

1	under oath that are false, this is one of them,	12:39:57
2	and I'm going to examine him on it.	12:39:59
3	MR. REDD: Whether credibility is	12:40:06
4	relevant or not --	12:40:08
5	MR. STERN: You can instruct him not to	12:40:08
6	answer, that's going to be your business. You	12:40:11
7	can -- if you instruct him not to answer, we'll	12:40:13
8	certainly take it up with the Court. But the	12:40:14
9	bottom line is it goes to motive, it goes to	12:40:16
10	credibility, it goes to an issue that he opened	12:40:20
11	the door, and on. This is all appropriate	12:40:22
12	questioning and you know it. I'm not going to	12:40:25
13	back away from this issue. If you want to	12:40:27
14	instruct him not to answer, that's your business.	12:40:30
15	We'll be taking it up with the Court.	12:40:32
16	MR. REDD: Okay. Well, I'll tell you my	12:40:33
17	basis and then we'll go from there. Your	12:40:36
18	characterization of me knowing it or not I	12:40:39
19	disagree with. I disagree that the mere fact that	12:40:42
20	credibility is always relevant allows unlimited	12:40:47
21	questioning in a deposition, especially after a	12:40:54
22	Court has ordered certain things. And I know we	12:40:57

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112

1	disagree on the scope, but one of my reasons is	12:41:02
2	attempting to enforce the Court's order.	12:41:07
3	MR. STERN: Can you tell me where the	12:41:10
4	Court's order --	12:41:14
5	MR. REDD: Your characterization of --	12:41:14
6	wait, wait. I'm not finished. Your	12:41:15
7	characterization of credibility as allowing	12:41:17
8	certain questioning would swallow any -- any type	12:41:20
9	of proper scope of a deposition with or without a	12:41:23
10	Court order or the scope of discovery. And we	12:41:29
11	think that these types of questions are being	12:41:31
12	asked for an improper purpose which is used in	12:41:36
13	other litigations and investigations, that there	12:41:38
14	are several of those ongoing.	12:41:43
15	And Compass itself, if we're getting into	12:41:46
16	the parties' filings on this motion for the	12:41:49
17	Court's order, said they're only seeking narrowly	12:41:54
18	tailored documents to the issues relevant to this	12:41:58
19	litigation; that these allegations by Michael	12:42:02
20	White have no relevance to the issues before this	12:42:04
21	Court, and on and on. And there lists a litany of	12:42:07
22	topics that were raised but that Compass said have	12:42:11

Transcript of Michael R. White
Conducted on December 1, 2021

113

1	nothing to do with this case.	12:42:17
2	And I disagree that there is any opening	12:42:18
3	the door. And if there was, the Court closed it	12:42:20
4	by agreeing with you, as Compass, in arguing what	12:42:24
5	is and is not relevant in the scope of discovery.	12:42:29
6	So we can only conclude that it's not for use in	12:42:33
7	this case, the questions are being asked to	12:42:35
8	intimidate, to harass, it's improper.	12:42:38
9	MR. STERN: You can take that up with the	12:42:41
10	Court. You have someone who is purporting to be a	12:42:43
11	25 percent shareholder in this lit -- of the	12:42:47
12	company that's being sued who's communicating	12:42:49
13	extensively with the plaintiff and its counsel.	12:42:53
14	And, also, it goes to his credibility as to	12:42:55
15	whether or not he's even telling the truth. And	12:42:58
16	obviously it goes to the motive as to why would an	12:42:59
17	owner be collaborating so much with an owner --	12:43:03
18	with a litigant against the company he claims to	12:43:06
19	own.	12:43:08
20	MR. REDD: And when you said "this	12:43:09
21	litigation," were you meaning the Virginia case or	12:43:11
22	Boshea versus Compass Marketing in this Court?	12:43:12

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114

1	MR. STERN: Boshea versus Compass	12:43:12
2	Marketing. Is there other litigation that I'm not	12:43:22
3	aware of?	12:43:24
4	MR. REDD: I don't know what litigation	12:43:25
5	you are and are not aware of.	12:43:28
6	MR. STERN: Fair question -- fair	12:43:30
7	comment.	12:43:32
8	MR. JORDAN: I believe you know that	12:43:32
9	Compass and other individuals involved in the case	12:43:37
10	are involved in other litigations.	12:43:40
11	MR. STERN: I know there was a litigation	12:43:41
12	that was dismissed back in April.	12:43:44
13	MR. JORDAN: I think we are getting a	12:43:45
14	little off point now with the back-and-forth.	12:43:49
15	MR. REDD: I think our positions are	12:43:51
16	stated. We're -- we're not going to come to an	12:43:55
17	agreement here it seems, you know, so...	12:43:58
18	MR. STERN: Well, it's going to be up to	12:43:59
19	you whether you instruct him not to answer. We're	12:44:05
20	not accepting a nonanswer as acceptable. We'll	12:44:07
21	certainly be raising it with the Court if you	12:44:11
22	instruct him not to answer the question.	12:44:12

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115

1	MR. REDD: Understand. I'll get -- I'll	12:44:14
2	get the witness.	12:44:17
3	(Mr. White entered the room.)	12:44:18
4	MR. STERN: So, Madam Court Reporter,	12:44:22
5	there was a lot of discussion there. Can you go	12:44:51
6	back to the last question I asked.	12:44:53
7	(The pending question was read.)	12:45:29
8	Q Mr. White?	12:45:29
9	A That is a true statement.	12:45:29
10	MR. STERN: Can we pull up, Heather --	12:45:39
11	pull that down for a moment and we will circle	12:45:48
12	back to that momentarily. Heather, it's the loan	12:45:50
13	application.	12:46:06
14	I think this is Exhibit 12?	12:46:33
15	THE COURT REPORTER: That's correct.	12:46:34
16	(White Exhibit 12 marked for	12:46:34
17	identification and is attached to the transcript.)	12:46:36
18	Q So, Mr. White, I'm showing you what's	12:46:36
19	been marked as Exhibit 12. This is a PPP loan	12:46:38
20	borrower application form for a company known as	12:46:42
21	Woodville Pines, LLC. Do you see that?	12:46:46
22	A I see what's on the screen, yes, sir.	12:46:47

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Conducted on December 1, 2021

116

1	Q	Did you fill out a PPP loan application	12:46:49
2		for Woodville Pines, LLC?	12:46:52
3	MR. REDD:	I object for the reasons	12:46:52
4		that -- stated on the record when the witness was	12:47:02
5		out of the room.	12:47:03
6		To enforce the Court's order and the	12:47:05
7		other reasons I said, I instruct you not to	12:47:08
8		answer.	12:47:10
9	MR. STERN:	Justin, are you instructing	12:47:10
10		him not to answer that question?	12:47:11
11	MR. REDD:	Yes.	12:47:13
12	MR. STERN:	All right. We'll certainly	12:47:16
13		take that up with the Court. Are you instructing	12:47:17
14		him not to answer any questions about this	12:47:19
15		document?	12:47:21
16	MR. REDD:	Without knowing what you're	12:47:22
17		going to ask, I don't want to foreclose anything	12:47:30
18		that might be proper, but I -- I don't see any way	12:47:32
19		that this document, which Compass has called fully	12:47:35
20		unrelated to the claims in this case and has	12:47:43
21		nothing to do with this lawsuit, is within the	12:47:45
22		scope of the Court's order or otherwise proper	12:47:48

Transcript of Michael R. White
Conducted on December 1, 2021

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1	under Rule 45 and Rule 26.	12:47:51
2	MR. STERN: Well, let's scroll down to	12:47:58
3	the bottom on Page 2.	12:47:59
4	Q Is that your signature, Mr. White?	12:48:02
5	MR. REDD: Objection for the reasons	12:48:03
6	stated on the record while the witness was out of	12:48:09
7	the room.	12:48:12
8	I instruct you not to answer.	12:48:12
9	Q Did you fill out a PPP loan application	12:48:14
10	for Woodville Pines in April of 2020?	12:48:18
11	MR. REDD: Same instruction.	12:48:20
12	Q Did you sign a PPP loan application on	12:48:24
13	behalf of Woodville Pines on April 25, 2020?	12:48:30
14	MR. REDD: Same instruction.	12:48:33
15	What does this have to do with David	12:48:35
16	Boshea at all?	12:48:39
17	MR. STERN: As I mentioned earlier, it	12:48:39
18	goes to credibility.	12:48:42
19	Q Did the PPP loan application that you	12:48:44
20	signed --	12:48:47
21	MR. REDD: I don't think that's --	12:48:47
22	MR. STERN: Sorry?	12:48:47

Transcript of Michael R. White
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1	THE COURT REPORTER: I'm sorry; I didn't	12:48:47
2	hear you, Mr. Redd.	12:48:50
3	MR. REDD: I apologize for interrupting.	12:48:51
4	I don't think that's a sufficient basis.	12:48:54
5	Q Mr. White, did the PPP loan application	12:48:56
6	that you signed on behalf of Woodville Pines, LLC,	12:49:00
7	did you sign that under the penalty of perjury?	12:49:05
8	MR. REDD: Objection.	12:49:08
9	Instruct you not to answer for the	12:49:10
10	reasons previously stated.	12:49:13
11	Q When you filled out a PPP loan	12:49:14
12	application on behalf of Woodville Pines, before	12:49:21
13	you signed it, did you initial that you	12:49:25
14	"...further certify that the information provided	12:49:27
15	in this application and the information provided	12:49:29
16	in all supporting documents and forms is true and	12:49:33
17	accurate in all material respects"?	12:49:36
18	Did you further certify that "I	12:49:40
19	understand that knowingly making a false statement	12:49:40
20	to obtain a guaranteed loan from SBA is punishable	12:49:43
21	under the law, including under 18 USC Section 1001	12:49:48
22	and Section" 137 -- 1 -- I'm sorry -- "Section	12:49:54

Transcript of Michael R. White
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1	3571 by imprisonment of not more than five years	12:49:54
2	and/or a fine of up to \$250,000; under 15 USC 645	12:49:57
3	by imprisonment of not more than two years and/or	12:50:03
4	a fine of not more than \$5,000; and, if submitted	12:50:08
5	to a federally insured institution, under 18 USC	12:50:11
6	1014 by imprisonment of not more than thirty years	12:50:16
7	and/or a fine of not more than \$1,000,000"?	12:50:21
8	MR. REDD: Objection.	12:50:23
9	Same instruction.	12:50:25
10	And the words on --	12:50:25
11	MR. STERN: And --	12:50:25
12	MR. REDD: -- the form, the form speaks	12:50:26
13	for itself. It's up to you what you want to do	12:50:28
14	with the time we have, Stephen, but it's not going	12:50:32
15	to be read into the record to purport to be Mr.	12:50:37
16	White's testimony on this, which is, for the	12:50:41
17	reasons I've said, not proper to ask in this	12:50:44
18	deposition.	12:50:47
19	MR. STERN: Well, I'm ask -- I	12:50:47
20	understand. I'm asking the questions.	12:50:48
21	Heather, you can scroll up to the prior	12:50:56
22	page.	12:50:57

Transcript of Michael R. White
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1	Q	Mr. White, in the PPP loan application	12:50:57
2		that you submitted on behalf of Woodville Pines,	12:50:59
3		LLC, did you check the box no in response to the	12:51:02
4		question: "Is the Applicant or any owner of the	12:51:05
5		Applicant an owner of any other business, or have	12:51:08
6		common management with any other business? If	12:51:11
7		yes, list all such businesses and describe the	12:51:14
8		relationship on a separate sheet identified as	12:51:17
9		addendum A"?	12:51:20
10	MR. REDD:	Objection.	12:51:20
11		Same instruction.	12:51:23
12	Q	All right. We'll move on from that	12:51:23
13		document.	12:51:30
14		Going back to your motion filed in this	12:51:33
15		case, I would like to turn to Exhibit No. 4.	12:51:35
16	THE COURT REPORTER:	And this will be	12:51:42
17		Exhibit 13.	12:51:55
18	MR. STERN:	Thank you for the	12:51:56
19		clarification. Exhibit 13, for purposes of this	12:51:59
20		deposition, and Exhibit 4 to Mr. White's motion.	12:52:01
21		(White Deposition Exhibit 13 marked for	12:52:01
22		identification and is attached to the transcript.)	12:52:01

Transcript of Michael R. White
Conducted on December 1, 2021

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1	Q	Mr. White, did you attach to your motion	12:52:05
2		as Exhibit 4, Stock Certificate No. 5 for 150	12:52:08
3		shares, issuing those shares to you, Michael	12:52:14
4		Robert White, with the stock certificate issued on	12:52:18
5		June, looks like 11, 2001.	12:52:22
6	A	I -- I attached a copy of the stock	12:52:28
7		certificate to my filing, yes.	12:52:36
8	Q	And is that Daniel White's signature on	12:52:37
9		the bottom of that stock certificate?	12:52:41
10	A	I don't know.	12:52:42
11	Q	Did you attend the shareholder meeting on	12:52:44
12		or about June 11, 2001, in which these shares were	12:52:50
13		issued to you?	12:52:55
14	A	I did not.	12:52:55
15	Q	Did you observe Daniel White sign this	12:52:57
16		stock certificate issuing 150 shares to you?	12:53:05
17	A	I did not.	12:53:08
18	Q	Did you also attach to Exhibit No. 4,	12:53:10
19		which is Exhibit 13 for this deposition, Stock	12:53:16
20		Certificate No. 4, which is the next page of this	12:53:19
21		exhibit --	12:53:27
22	MR. STERN:	Heather.	12:53:27

Transcript of Michael R. White
Conducted on December 1, 2021

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1	Q	-- for 300 shares issued to John David	12:53:29
2		White on June 11, 2001?	12:53:37
3	MR. REDD:	Objection. Again, we are	12:53:39
4		getting far afield of what this has to do with Mr.	12:53:43
5		Boshea's case. Mr. White's testified to his	12:53:46
6		ownership in Compass Marketing.	12:53:52
7		You can answer, but I'm noting that this	12:53:55
8		is also outside the scope of what is at issue in	12:53:57
9		this case and appears to be seeking information	12:54:03
10		for use not in this proceeding, but in other	12:54:08
11		proceedings.	12:54:11
12	Q	Mr. White, did you attach Exhibit --	12:54:11
13		Stock Certificate No. 4 for 300 shares issued to	12:54:16
14		John David White on June 11, 2001?	12:54:20
15	A	I attached a copy of a certificate issued	12:54:22
16		to John White to my filing.	12:54:25
17	Q	Do you deny that this stock certificate	12:54:27
18		is a true and accurate copy of Stock Certificate	12:54:33
19		No. 4?	12:54:35
20	A	I do not.	12:54:35
21	Q	And then scrolling a little bit further	12:54:40
22		on this exhibit is Stock Certificate No. 6 issued	12:54:49

Transcript of Michael R. White
Conducted on December 1, 2021

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1	for 150 shares to Daniel Joseph White on June 11,	12:54:55
2	2001. Do you see that?	12:55:01
3	MR. REDD: Objection.	12:55:02
4	You can answer.	12:55:06
5	A I see what you have on the screen, yes.	12:55:06
6	Q Did you attach that to your motion as	12:55:08
7	part of Exhibit No. 4 to your motion?	12:55:12
8	A I attached a copy of a stock certificate	12:55:14
9	issued to Daniel Joseph White to my filing.	12:55:18
10	Q Is this a true and accurate copy of the	12:55:21
11	Stock Certificate No. 5 -- 6?	12:55:24
12	A I don't know.	12:55:24
13	Q Do you deny that it is a true and	12:55:29
14	accurate copy of Stock Certificate No. 6?	12:55:33
15	A I do not.	12:55:34
16	Q Since I didn't ask this question before	12:55:38
17	with respect to Stock Certificate No. 5, do you	12:55:42
18	deny it is a true and accurate copy of Stock	12:55:45
19	Certificate No. 5 that you attached to your	12:55:50
20	motion?	12:55:52
21	A I do not.	12:55:52
22	Q Are these the only stock certificates	12:55:53

Transcript of Michael R. White
Conducted on December 1, 2021

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1	issued for Compass Marketing, Inc.?	12:55:59
2	MR. REDD: Objection. Not asking about	12:56:02
3	stock certificates, if any -- Do you want him to	12:56:08
4	leave for this part? Sorry; I forgot to ask.	12:56:11
5	Stephen?	12:56:16
6	MR. STERN: Are you going to do a	12:56:16
7	speaking objection? Then he can leave, that's	12:56:21
8	fine.	12:56:23
9	(Mr. White left the room.)	12:56:41
10	MR. REDD: It sounded to me like you're	12:56:42
11	going to be asking about stock certificates, if	12:56:44
12	any, that were other than what he's been -- what	12:56:46
13	has been attached to something that was filed in	12:56:48
14	this case. If that is where you're going, then my	12:56:49
15	objection that I stated the last time Mr. White	12:56:52
16	left the room is going to apply, or I'm going to	12:56:57
17	make it. You disagree that it applies, obviously.	12:57:03
18	MR. STERN: All right. Can you repeat	12:57:07
19	that last part? Please say that again.	12:57:14
20	MR. REDD: Is that where you're going	12:57:15
21	with this, you're going to ask about something	12:57:18
22	that may or may not exist that is other than what	12:57:21

Transcript of Michael R. White
Conducted on December 1, 2021

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1	was attached to the Court filing?	12:57:25
2	MR. STERN: Yes. I'm going to be asking	12:57:26
3	about minutes of a special shareholder meeting,	12:57:29
4	minutes of a special meeting of the board of	12:57:34
5	directors, resolution of the board of directors.	12:57:36
6	If you're going to instruct him not to answer	12:57:41
7	questions about those documents, we can -- we can	12:57:44
8	streamline this and then we'll take it up with the	12:57:46
9	Court or I could go through it and keep asking him	12:57:49
10	questions one by one and you can tell him not to	12:57:51
11	answer.	12:57:54
12	MR. REDD: And this is -- this is --	12:57:54
13	you're asking about documents or meetings that	12:57:57
14	happened in 2001; is that correct?	12:58:00
15	MR. STERN: Correct. This goes to his	12:58:02
16	credibility. It shows that he's lied under oath.	12:58:04
17	MR. REDD: What -- what besides that is	12:58:07
18	the connection to Boshea or Boshea's claims or the	12:58:11
19	defense in the case?	12:58:18
20	MR. STERN: As I've mentioned,	12:58:18
21	credibility is always relevant. And part of his	12:58:20
22	misrepresentation about his ownership interest	12:58:23

Transcript of Michael R. White
Conducted on December 1, 2021

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1	goes to his motive to collaborate and cooperate	12:58:25
2	with a party suing the company that he claims to	12:58:30
3	own. It shows motive and more.	12:58:34
4	MR. REDD: Okay.	12:58:34
5	MR. STERN: He has sent many documents to	12:58:39
6	Mr. Boshea in connection with this litigation.	12:58:43
7	While he's denied helping him -- he certainly says	12:58:45
8	that in some of the e-mails, he denied even any	12:58:49
9	knowledge of -- any knowledge of. Why would he be	12:58:51
10	covering that up.	12:58:52
11	MR. REDD: I disagree with any	12:58:55
12	characterization of anything as a coverup. And I	12:58:57
13	still don't see how actions or meetings or	12:59:01
14	documents from 2001 show any kind of motive.	12:59:04
15	You're saying he's planning to pay Mr. Boshea	12:59:10
16	not -- something that he's not owed back in 2001?	12:59:13
17	(Talking over)	12:59:18
18	MR. STERN: I hear you, Justin, and I --	12:59:18
19	I'm sorry; I didn't -- I didn't realize you were	12:59:22
20	not done.	12:59:24
21	MR. REDD: We're going -- we're treading	12:59:24
22	the same ground. But my question was what is the	12:59:29

Transcript of Michael R. White
Conducted on December 1, 2021

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1	connection to the claims in the case --	12:59:32
2	MR. STERN: I just --	12:59:32
3	MR. REDD: -- Boshea's claims?	12:59:36
4	MR. STERN: Credibility is always	12:59:36
5	relevant. You have an owner who is assisting	12:59:39
6	with -- someone who claims to be an owner who is	12:59:42
7	assisting with litigation against the company he	12:59:46
8	owns. It goes to motive, it goes to credibility.	12:59:49
9	I'm not going to repeat it. You have your choice	12:59:52
10	as to whether you want to instruct him not to	12:59:54
11	answer.	12:59:57
12	I appreciate that you've asked --	12:59:57
13	MR. REDD: (Indiscernible - talking	12:59:57
14	over).	12:59:57
15	MR. STERN: -- him to step out of the	12:59:59
16	room, but let's -- let's move on with this and you	13:00:00
17	tell me how you're going to handle it. One way or	13:00:03
18	the other we're bringing this to the Court's	13:00:06
19	attention, unless you let him answer these	13:00:08
20	questions.	13:00:11
21	MR. REDD: Yep, I understand that. And	13:00:12
22	I'm just trying to give you an opportunity to	13:00:13

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1 present any connection besides the bare fact of 13:00:16
2 credibility and motive to the scope of this 13:00:21
3 Court's order, the scope of the claims in this 13:00:27
4 case. 13:00:30

5 MR. STERN: As I mentioned before, he 13:00:30
6 opened the door. The people that opened the door 13:00:34
7 about the ownership in this case are Michael 13:00:36
8 White, Daniel White, and David Boshea. It has not 13:00:41
9 been an issue that has been identified or 13:00:43
10 introduced by Compass Marketing at any point. All 13:00:45
11 three of those individuals have brought it to the 13:00:49
12 Court's attention in this case. That's opening 13:00:52
13 the door. As I mentioned -- 13:00:54

14 MR. JORDAN: I -- I strenuously disagree 13:00:56
15 that -- with that statement. 13:00:59

16 MR. STERN: Third, I said -- and then 13:00:59
17 also, as I mentioned, if he's -- he's lied under 13:01:06
18 oath, then I get the opportunity to cross-examine 13:01:08
19 him about that. 13:01:12

20 MR. REDD: Okay. 13:01:12

21 MR. STERN: You've already instructed him 13:01:16
22 not to answer. I've got documents that can 13:01:17

Transcript of Michael R. White
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1 further illustrate that the statement he's made is 13:01:20
2 untrue. We don't need to -- we're going to argue 13:01:24
3 this before the Court so I don't see this -- any 13:01:26
4 more value in you and I debating this on -- on 13:01:29
5 this deposition. 13:01:32

6 MR. REDD: Well, I just wanted to make 13:01:32
7 sure before -- before -- you know, I don't take an 13:01:37
8 instruction lightly like this. I want to make 13:01:38
9 sure that there's nothing that I'm missing that's 13:01:41
10 different than the reasons that you stated. And I 13:01:45
11 think we're at the point where our positions are 13:01:49
12 staked out and we disagree -- 13:01:54

13 MR. STERN: I'm not saying in my brief 13:01:56
14 I'm not going to -- maybe, you know -- I won't 13:01:57
15 elaborate further, but you've got the gist of it. 13:01:59
16 I've got ample case law already lined up that 13:02:01
17 shows this is appropriate -- perfectly 13:02:04
18 appropriate. It's from the Court that we're in. 13:02:07
19 You'll all be having an opportunity to respond to 13:02:08
20 it when we file it with our brief and cite to it. 13:02:10

21 MR. REDD: Okay. If you've got it 13:02:13
22 already ready, send it over to me and -- and -- 13:02:16

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1	MR. STERN: No, I haven't drafted it yet.	13:02:18
2	I've got the case law already researched.	13:02:24
3	MR. REDD: Okay. If you want to send the	13:02:26
4	cases and you think that it will change my mind,	13:02:28
5	I'm -- I'll read it. But I -- I -- I disagree	13:02:31
6	with your position for the reasons we both stated	13:02:32
7	and we can move on. But I'm -- I'm leaving the	13:02:35
8	opportunity if you want to resolve it without	13:02:38
9	opening the Court -- involving the Court. If you	13:02:42
10	think that what you have is that clear and I'm	13:02:46
11	missing something, I will read it if you send it	13:02:49
12	to me.	13:02:53
13	All right. I will go get the witness.	13:02:55
14	(Mr. White entered the room.)	13:02:56
15	MR. STERN: Back on the -- we're back	13:03:19
16	with Mr. White in the room.	13:03:20
17	Justin, just for clarification, are you	13:03:21
18	instructing your client not to answer any	13:03:24
19	questions where corporate documents contradict the	13:03:25
20	assertion that he's made in his affidavit?	13:03:31
21	MR. REDD: I disagree with the	13:03:33
22	characterization of that question. I -- that was	13:03:39

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1	not the question that you asked.	13:03:41
2	(Talking over)	13:03:42
3	MR. STERN: Understood. I'm just trying	13:03:42
4	to streamline this.	13:03:46
5	MR. REDD: Well, I'm not going to	13:03:48
6	streamline it at the expense of being clear about	13:03:50
7	what I am and not -- and not saying.	13:03:53
8	MR. STERN: So do I have to introduce	13:03:54
9	each document?	13:03:57
10	MR. REDD: No, I don't think so. But I	13:03:58
11	don't -- I'm not going to just agree to your	13:04:01
12	characterization of contradiction with anything	13:04:04
13	just to streamline anything.	13:04:08
14	MR. STERN: Fair enough. I understand --	13:04:09
15	MR. REDD: (Indiscernible - talking	13:04:09
16	over.)	13:04:09
17	MR. STERN: -- that you're not	13:04:11
18	acknowledging my characterization.	13:04:13
19	MR. REDD: Yeah, I don't think you would	13:04:14
20	expect me to.	13:04:17
21	MR. STERN: I -- I agree with that. All	13:04:17
22	right.	13:04:27

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1	MR. REDD: We're chuckling here.	13:04:27
2	MR. STERN: All right. So --	13:04:27
3	MR. REDD: So I'm with you on	13:04:28
4	streamlining it as long as you do it in -- in the	13:04:31
5	proper way.	13:04:34
6	MR. STERN: All right. So I just want to	13:04:34
7	be clear. I have a series of corporate documents	13:04:35
8	that I contend contradict Mr. White's sworn	13:04:38
9	affidavit and shows his statement under oath is	13:04:45
10	not correct and it's not true. And rather than	13:04:48
11	going through each of those documents, you're	13:04:51
12	instructing him not to answer questions related to	13:04:54
13	those documents?	13:04:57
14	MR. REDD: Right; for the reasons that I	13:04:59
15	stated in the last colloquy that we had when the	13:05:01
16	witness was out of the room. The documents from	13:05:06
17	2001 and related meetings that you were getting	13:05:10
18	ready to ask about --	13:05:16
19	MR. STERN: Okay.	13:05:16
20	MR. REDD: -- are outside the scope of	13:05:17
21	the Court's order, Rule 30(c), or the proper	13:05:19
22	questions for the reasons that I stated.	13:05:26

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1	Obviously also pursuant to Rule 30(d) and Rules	13:05:32
2	45, 26(g), I instruct him not to answer that	13:05:39
3	series of questions.	13:05:43
4	MR. STERN: We'll address that with the	13:05:43
5	Court.	13:05:48
6	Then going on to a new document, I'd like	13:05:50
7	to show -- Heather, can you pull up Exhibit 5 to	13:06:15
8	the motion.	13:06:16
9	THE COURT REPORTER: And this will be	13:06:16
10	Exhibit 14.	13:06:16
11	(White Deposition Exhibit 14 marked for	13:06:16
12	identification and is attached to the transcript.)	13:06:26
13	Q Mr. White, I'm showing you what is	13:06:26
14	Exhibit 5 to the motion that you filed. It is --	13:06:35
15	MR. STERN: Madam Court Reporter, what	13:06:35
16	exhibit number are we talking about?	13:06:35
17	THE COURT REPORTER: Exhibit 14.	13:06:35
18	Q -- Exhibit 14 for purposes of this	13:06:44
19	deposition.	13:06:46
20	MR. STERN: Heather, can you scroll down	13:06:46
21	a little more or show more of the document on the	13:06:52
22	screen.	13:06:54

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1	Q	Mr. White, is this a copy of the e-mail	13:06:54
2		that you submitted as Exhibit 5 to your motion?	13:07:00
3	A	It appears similar to the e-mail I -- I	13:07:03
4		filed.	13:07:08
5	Q	Are you saying that the e-mail that you	13:07:08
6		filed is different than what's showing on the	13:07:11
7		screen?	13:07:13
8	A	I am not.	13:07:13
9	Q	Is this a true and accurate copy of	13:07:15
10		Exhibit 5 to your motion?	13:07:20
11		MR. REDD: Objection to the -- to the	13:07:22
12		extent that you're using that in a legal sense.	13:07:26
13		It sounds like a legal term to me. To the extent	13:07:28
14		it's asking for a legal conclusion I object.	13:07:31
15		Subject to that, you can answer.	13:07:34
16	A	Please ask your question again,	13:07:38
17		Mr. Stern.	13:07:40
18	Q	Is this an accurate copy of the document	13:07:40
19		that you submitted as Exhibit 5 to your motion?	13:07:42
20	A	I don't know.	13:07:45
21	Q	How would you know?	13:07:46
22		MR. REDD: Objection --	13:07:51

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1	THE COURT REPORTER: Sorry, Mr. Redd; did	13:07:52
2	you object there?	13:07:57
3	MR. REDD: Objection to form.	13:07:58
4	THE COURT REPORTER: Thank you.	13:07:58
5	MR. REDD: You can answer.	13:08:05
6	A I don't know.	13:08:05
7	Q Are you disputing that this is an	13:08:06
8	accurate copy of Exhibit 5 to your motion?	13:08:08
9	A I am not.	13:08:10
10	Q So it's two e-mails, one is from Stephen	13:08:12
11	Stern, me, to John White, dated January 24, 2020,	13:08:21
12	12:24 p.m. And beneath it is an e-mail from me to	13:08:28
13	someone named Erin Pulice, with a Cc: Copy to	13:08:33
14	Jason Bender. How did you get a copy of this	13:08:39
15	e-mail?	13:08:42
16	MR. REDD: Objection for the reasons I	13:08:42
17	previously stated and for the additional reason	13:08:46
18	that Compass took the position that none of the	13:08:49
19	allegations against the undersigned counsel are	13:08:54
20	related to the instant lawsuit in any way, and the	13:08:58
21	Court agreed with Compass in ruling on the motion	13:09:04
22	to quash --	13:09:06

Transcript of Michael R. White
Conducted on December 1, 2021

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1	MR. STERN: Mr. White, can you step out	13:09:07
2	of the -- out of the room for a moment. Mr.	13:09:12
3	White, can you --	13:09:13
4	THE COURT REPORTER: I'm sorry. I'm	13:09:13
5	sorry, Mr. Redd; I can't hear you.	13:09:14
6	MR. STERN: Mr. White, can you step out	13:09:16
7	of the room for a moment.	13:09:19
8	MR. REDD: Okay.	13:09:20
9	(Mr. White left the room.)	13:09:23
10	MR. STERN: Justin, I appreciate to this	13:09:25
11	point you have been consistent in making your	13:09:33
12	speaking objections with Mr. White out of the	13:09:35
13	room. I would appreciate it if you could continue	13:09:38
14	to do that.	13:09:40
15	Justin?	13:09:46
16	MR. REDD: Yes.	13:09:47
17	MR. STERN: I -- if you are going to make	13:09:48
18	a speaking objection, I want -- I want Mr. White	13:09:51
19	removed from the room and I also want to respond	13:09:54
20	to that, to your objection about it not being	13:09:56
21	relevant. This is highly relevant --	13:09:58
22	MR. JORDAN: I was just saying what I	13:09:59

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1	said before so I didn't ask him to leave. But,	13:10:02
2	yes, I will.	13:10:04
3	MR. STERN: He was no longer an employee	13:10:05
4	at the time. This is a different e-mail address	13:10:09
5	from compassmarketinginc.com. This shows -- this	13:10:11
6	is a perfectly appropriate question because it	13:10:15
7	shows acts of sabotage against the company, which	13:10:18
8	further shows the motive and the reasons why he's	13:10:21
9	assisting Mr. Boshea in what Compass Marketing	13:10:23
10	contends is a sham lawsuit with a sham agreement	13:10:28
11	that doesn't exist. And the fact that he's	13:10:30
12	accessing documents that he has no right to access	13:10:33
13	shows part of that motive and the intent to do	13:10:36
14	harm to the company. Are you instructing him not	13:10:40
15	to answer questions as it relates to this	13:10:48
16	document?	13:10:51
17	MR. REDD: Yes.	13:10:51
18	MR. STERN: Okay.	13:10:51
19	MR. REDD: For the reasons I stated.	13:10:55
20	MR. STERN: Can you get him back in then?	13:10:56
21	(Mr. White entered the room.)	13:11:00
22	Q So I will not belabor the point asking	13:11:00

Transcript of Michael R. White
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1 you a series of questions that are not going to be 13:11:30
2 answered. Mr. White, your counsel has advised me 13:11:33
3 that he is going to instruct you not to answer any 13:11:37
4 questions as it relates to this document. We'll 13:11:39
5 move on from it then. We'll take that up with the 13:11:41
6 Court. 13:12:00

7 MR. STERN: I'd like to turn to Exhibit 13:12:00
8 No. 9 to your motion. 13:12:03

9 (White Deposition Exhibit 15 marked for 13:12:03
10 identification and is attached to the transcript.) 13:12:05

11 THE COURT REPORTER: And this will be 13:12:05
12 marked Exhibit 15. 13:12:17

13 Q Mr. White, showing you what has been 13:12:19
14 marked as Exhibit 15 for the purposes of this 13:12:23
15 deposition, it is Exhibit 9 that you attached to 13:12:26
16 your motion. Do you remember attaching this 13:12:28
17 document to your motion? 13:12:30

18 A I remember attaching a similar document 13:12:31
19 to my motion; yes. 13:12:36

20 Q Do you deny attaching this e-mail thread 13:12:37
21 to your motion? 13:12:41

22 A I do not. 13:12:41

Transcript of Michael R. White
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1	Q	Okay. Go back to the top of the e-mail	13:12:42
2		thread, the very top --	13:12:47
3	MR. STERN:	Can you scroll up a little	13:12:51
4		bit higher, just a little bit.	13:12:51
5		All right.	13:12:54
6	Q	-- it's an e-mail from me to John White	13:12:55
7		with a copy to Nena Willingham. You're not a	13:12:57
8		recipient to this e-mail, are you?	13:13:01
9	MR. REDD:	Objection; same objection as	13:13:02
10		we discussed.	13:13:06
11		Same instruction.	13:13:08
12	Q	Do you see in the upper right-hand corner	13:13:08
13		it says "John	13:13:14
14		White	13:13:14
15	MR. REDD:	Same objection.	13:13:14
16		Same instruction.	13:13:26
17	MR. STERN:	Are you going to instruct him	13:13:26
18		to answer why -- not to answer why it says John	13:13:28
19		White at the very top in the upper right-hand	13:13:32
20		corner.	13:13:34
21	MR. REDD:	Unless there's something I'm	13:13:34
22		missing, I'm going to instruct the witness not to	13:13:39

Transcript of Michael R. White
Conducted on December 1, 2021

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1	answer any questions further about this document.	13:13:41
2	MR. STERN: Okay. We'll take that up	13:13:43
3	with the Court.	13:13:45
4	I want to turn to -- Heather, can you	13:14:26
5	pull up Exhibit -- Document No. 49 that was filed.	13:14:29
6	(White Deposition Exhibit 16 marked for	13:14:29
7	identification and is attached to the transcript.)	13:14:32
8	THE COURT REPORTER: This will be Exhibit	13:14:32
9	16.	13:15:05
10	MR. STERN: Thank you, Madam Court	13:15:05
11	Reporter.	13:15:07
12	Q Mr. White, is this a copy of the reply	13:15:07
13	brief that you filed in connection with the motion	13:15:11
14	to quash the subpoena that was issued to you?	13:15:13
15	A I only see the top part, but it looks	13:15:15
16	similar to a motion that I filed.	13:15:21
17	Q Is that your signature?	13:15:21
18	A I -- it appears it might be my signature,	13:15:35
19	but I don't know.	13:15:40
20	Q Do you remember signing the reply brief	13:15:40
21	that you filed in this litigation?	13:15:47
22	A I remember signing a reply; yes.	13:15:49

Transcript of Michael R. White
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1	Q	Does that resemble the signature that you	13:15:51
2		put on the document when you filed it?	13:15:57
3	A	I don't know.	13:15:59
4	Q	Do you deny this is the reply brief you	13:16:00
5		filed in connect -- in this litigation?	13:16:06
6	A	I do not.	13:16:08
7		MR. STERN: I would like to turn to	13:16:09
8		Exhibit 2 -- I'm sorry -- Exhibit 3 of that reply	13:16:17
9		brief.	13:16:23
10		Why don't you minimize it for a second,	13:16:38
11		Heather. I want to ask some questions before	13:16:40
12		getting into that specific document.	13:16:40
13		THE COURT REPORTER: And this will be	13:16:40
14		Exhibit 17.	13:16:43
15		MR. STERN: All right. When we pull it	13:16:43
16		up, it will be Exhibit 17. Thank you.	13:16:43
17		(White Deposition Exhibit 17 marked for	13:16:43
18		identification and is attached to the transcript.)	13:16:44
19	Q	Mr. White --	13:16:44
20	A	Yes, sir.	13:16:44
21	Q	-- have you and Dan White planned a	13:16:49
22		severance scheme before to extract money from the	13:16:55

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1	company that was not properly owed to anyone?	13:16:58
2	MR. JORDAN: Objection. That's a	13:17:01
3	confusing question that sounds a little bit like	13:17:04
4	have you stopped beating your wife.	13:17:08
5	Q Michael?	13:17:09
6	MR. REDD: And I also object.	13:17:13
7	A Can you ask your question again, please,	13:17:15
8	Mr. Stern?	13:17:20
9	Q Have you ever planned with Daniel White	13:17:20
10	to create a false severance arrangement to extract	13:17:23
11	money from the company when the severance was not	13:17:29
12	actually owed to a current or former employee of	13:17:32
13	the company?	13:17:35
14	MR. REDD: Object to the form. Object to	13:17:35
15	the argumentative nature.	13:17:38
16	You can answer.	13:17:42
17	A No.	13:17:43
18	MR. STERN: I'd like to pull up Exhibit 3	13:17:44
19	to your reply.	13:17:49
20	Q Is this an accurate copy of the Exhibit 3	13:17:52
21	that you attached to your reply brief?	13:18:05
22	MR. STERN: Heather, why don't we	13:18:09

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1	scroll -- I'm just looking at the e-mail with the	13:18:12
2	two attachments.	13:18:14
3	A It appears similar to documents I have	13:18:17
4	seen before. I don't remember if I attached it to	13:18:25
5	my filing or not, but I have no reason to doubt	13:18:30
6	that I did.	13:18:33
7	Q Do you know why John White's name is at	13:18:33
8	the top of this document in the upper right-hand	13:18:39
9	corner?	13:18:43
10	MR. REDD: Objection; same objection from	13:18:43
11	the last break.	13:18:46
12	Same instruction.	13:18:48
13	Do you want me to -- do you want me to	13:18:51
14	ask Mr. White to leave for a second, Steve?	13:18:53
15	MR. STERN: No. You're -- are you	13:18:55
16	instructing him not to answer?	13:18:57
17	MR. REDD: Correct. And unless there's	13:18:59
18	going to be a different basis for anything that's	13:19:01
19	attached to the reply that we didn't discuss with	13:19:04
20	regard to the motion itself and those attachments,	13:19:09
21	the reasons and the instructions are going to be	13:19:14
22	the same.	13:19:17

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1	MR. STERN: Well, I'm going to ask him	13:19:17
2	questions as relates to the substance of this	13:19:19
3	document.	13:19:21
4	Q Mr. White, do you see that there's an	13:19:21
5	e-mail in the string that you attached to your	13:19:24
6	reply brief dated October 15, 2015, to Daniel --	13:19:27
7	from Daniel White. I'm -- were you a recipient to	13:19:31
8	that e-mail?	13:19:35
9	MR. REDD: Objection; same objection.	13:19:36
10	Same instruction.	13:19:39
11	Q That e-mail refers to a severance to	13:19:40
12	Mr. DiPaula and Mr. Miller. Do you see that?	13:19:46
13	MR. REDD: Same objection; Rule 30(c)(2).	13:19:50
14	Same instruction.	13:19:57
15	Q Did Compass Marketing have a severance	13:19:57
16	agreement with Chip DiPaula and Patrick Miller?	13:20:00
17	MR. REDD: Same objection.	13:20:05
18	Same instruction.	13:20:07
19	Outside the scope of the Court's order,	13:20:10
20	among other reasons I've stated.	13:20:13
21	Q Why did you attach this e-mail and the	13:20:13
22	two checks that follow to your reply brief?	13:20:16

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Conducted on December 1, 2021

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1	MR. REDD: Same objection.	13:20:20
2	Same instruction.	13:20:22
3	Q How did you access this e-mail and the	13:20:23
4	two checks that are attached?	13:20:35
5	MR. REDD: Same objection.	13:20:36
6	Same instruction.	13:20:39
7	Q Where did you obtain a copy of this	13:20:40
8	e-mail and the two checks that are attached?	13:20:43
9	MR. REDD: Same objection.	13:20:45
10	Same instruction.	13:20:52
11	MR. JORDAN: Just -- just for the record,	13:20:52
12	Stephen, if -- if you wish to file a motion to	13:21:00
13	compel Mr. White to answer with regard to this	13:21:03
14	e-mail and this matter, I'll join your motion.	13:21:06
15	MR. STERN: You're going to join or --	13:21:10
16	MR. JORDAN: Join, yeah. I would like	13:21:12
17	Mr. White to answer.	13:21:15
18	MR. STERN: Thank you.	13:21:16
19	I don't know when I'll be filing, but	13:21:18
20	obviously I will be circling back to that.	13:21:28
21	MR. JORDAN: That portion. I'm not	13:21:30
22	saying on any other portion, but that portion.	13:21:33

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1	MR. STERN: Understood.	13:21:35
2	Heather, why don't we pull that down for	13:21:42
3	a moment.	13:21:44
4	Q And I'm going to ask Mr. White, are you	13:21:44
5	familiar with a P.O. Box 639 located in St.	13:22:04
6	Helena, South Carolina, ZIP code 29920?	13:22:13
7	MR. REDD: Objection. I'd like to -- I'd	13:22:14
8	like the witness to step out again.	13:22:24
9	(Mr. White left the room.)	13:22:28
10	MR. STERN: Is he out of the room,	13:22:28
11	Justin?	13:22:39
12	MR. REDD: He's out. Is this the same --	13:22:39
13	the same basis for asking questions about where	13:22:42
14	you're going next?	13:22:46
15	MR. STERN: You realize there is a	13:22:47
16	counterclaim filed and a cross -- and a	13:22:49
17	third-party Complaint filed in this case; correct?	13:22:50
18	Justin?	13:23:01
19	MR. REDD: What's the -- what's the	13:23:03
20	connection to this case?	13:23:04
21	MR. STERN: Compass Marketing has filed	13:23:05
22	its own claim related to anonymous mailings that	13:23:09

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1	have been circulated to third parties that are	13:23:13
2	harmful to Compass Marketing's business.	13:23:15
3	MR. REDD: I understand that that's in	13:23:18
4	the counterclaim, yeah.	13:23:24
5	MR. STERN: And a series of these	13:23:26
6	anonymous mailings have all come from a certain	13:23:28
7	P.O. box. I'm asking Michael White if he knows	13:23:31
8	anything about that P.O. box. Are you going to	13:23:34
9	instruct him not to answer?	13:23:36
10	MR. REDD: No. I just didn't know what	13:23:37
11	the -- what the question basis was going to be.	13:23:40
12	That came out of the blue to me so that's why I	13:23:43
13	asked him to step out of the room. No, I will not	13:23:46
14	be. I will not be instructing him not to answer.	13:23:48
15	He will answer the questions.	13:23:53
16	(Mr. White entered the room.)	13:23:53
17	MR. STERN: All right. Madam Court	13:23:53
18	Reporter, can you read back my question, please.	13:23:54
19	(The pending question was read.)	13:23:54
20	A I am aware of it from a filing you made	13:23:54
21	in the Virginia case, the Virginia civil case.	13:24:46
22	Q Independent of that filing in the	13:24:51

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1	Virginia litigation, do you have any knowledge of	13:24:54
2	who owns or uses that P.O. box?	13:24:57
3	A Independent of your filing, no.	13:24:59
4	Q Have you ever mailed anything to any	13:25:02
5	person or company with a return address with that	13:25:08
6	P.O. box?	13:25:13
7	A Not that I'm aware of.	13:25:13
8	Q Not that you're aware of.	13:25:16
9	Would you know whether you've	13:25:19
10	instructed -- or whether you put something in the	13:25:21
11	mail with that certain return address?	13:25:23
12	A I am not aware of ever using that return	13:25:27
13	address.	13:25:32
14	Q Have you ever instructed anyone to put	13:25:32
15	something in the mail related to Compass Marketing	13:25:36
16	with that return address on the envelope?	13:25:41
17	A I have not.	13:25:43
18	Q Do you know someone by the name of Chip	13:25:45
19	Ewing?	13:25:45
20	MR. REDD: Say the name again; sorry.	13:25:52
21	MR. STERN: Chip Ewing, as in E-W -- like	13:25:53
22	as in Patrick Ewing, E-W-I-N-G.	13:25:58

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1	MR. REDD: That doesn't give context for	13:26:04
2	me to understand the spelling. Thanks. Sorry; I	13:26:07
3	didn't mean to talk over you.	13:26:09
4	A I am aware of somebody who carries a	13:26:09
5	nickname of Chip Ewing.	13:26:12
6	Q What's Chip Ewing's name that's not --	13:26:13
7	well, what's his name if that's not -- if that's	13:26:17
8	his nickname?	13:26:17
9	A I'm not sure.	13:26:17
10	Q Do you know a Chip Ewing going by any	13:26:20
11	other name?	13:26:27
12	A I -- the Chip Ewing that I know has a	13:26:27
13	formal name. I am not positive of what it is.	13:26:32
14	Q Well, what's the formal name that you	13:26:35
15	know of?	13:26:39
16	A Detective Ewing.	13:26:39
17	Q And did you work with Detective Ewing for	13:26:45
18	a period of time?	13:26:50
19	A I did.	13:26:51
20	Q From when to when did you work with	13:26:52
21	Detective Ewing?	13:26:56
22	A I don't remember the exact dates. I	13:26:56

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Conducted on December 1, 2021

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1	would have to guess.	13:27:07
2	Q Approximately when?	13:27:08
3	A Approximately 2000 -- I take that back.	13:27:09
4	Approximately 1998 to approximately 2000 I	13:27:22
5	would -- and that is a guess.	13:27:28
6	Q Have you been in touch with Detective	13:27:31
7	Ewing since 2000?	13:27:36
8	A I have.	13:27:37
9	Q When was the last time you communicated	13:27:39
10	with Detective Ewing?	13:27:43
11	A I would have to guess my answer on that	13:27:44
12	one.	13:28:00
13	Q Have you communicated with Detective	13:28:00
14	Ewing in the year 2021?	13:28:02
15	A I have.	13:28:04
16	Q How many times?	13:28:05
17	A I don't know. I would have to guess.	13:28:07
18	Q Would it be more than five?	13:28:12
19	A Maybe.	13:28:14
20	Q More than ten?	13:28:20
21	A Probably not.	13:28:22
22	Q When you communicated with Detective	13:28:26

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1	Ewing in 2021, did you talk at all about Compass	13:28:30
2	Marketing?	13:28:33
3	A Yes.	13:28:33
4	Q What did you discuss with Detective Ewing	13:28:33
5	related to Compass Marketing?	13:28:39
6	A I discussed that you had filed paperwork	13:28:39
7	and made accusations against him in a civil court	13:28:46
8	in Virginia.	13:28:50
9	Q Did you have that discussion with him in	13:28:51
10	2021 or 2020?	13:28:54
11	A I believe it was 2021.	13:28:56
12	Q Did you have any discussions with	13:29:01
13	Mr. Ewing during 2020 related to Compass	13:29:04
14	Marketing?	13:29:07
15	A I don't remember doing that, no.	13:29:07
16	Q Did you have any discussions with	13:29:15
17	Mr. Ewing in 2019 related to Compass Marketing?	13:29:20
18	A I don't remember doing that.	13:29:22
19	Q Did you have any discussions with	13:29:26
20	Mr. Ewing in 2019 related to a company known as	13:29:30
21	Tagnetics, Inc.?	13:29:38
22	MR. REDD: Objection. I'm just trying to	13:29:38

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1	see where you're going with this, Stephen. But if	13:29:42
2	you want him to step out of the room again, we can	13:29:44
3	have a discussion.	13:29:47
4	MR. STERN: All right. Have him step out	13:29:48
5	of the room.	13:29:50
6	(Mr. White left the room.)	13:29:51
7	MR. REDD: This is coming around to	13:29:56
8	Compass' counterclaim or Boshea?	13:30:07
9	MR. STERN: There's been a series of	13:30:07
10	anonymous mailings. Compass Marketing is a	13:30:12
11	partial owner of a company known as Tagnetics,	13:30:16
12	Inc., so I'm asking about that.	13:30:19
13	MR. REDD: Okay. But Tagnetics, Inc.,	13:30:27
14	was one of the areas of inquiry that Compass said	13:30:29
15	had nothing to do with this case; right?	13:30:35
16	MR. STERN: I didn't say it had nothing	13:30:37
17	to do with this case.	13:30:40
18	MR. REDD: I'm failing to see how this is	13:30:41
19	different from the previous areas that I've stated	13:30:56
20	the reasons why they're outside the scope of	13:31:00
21	proper questioning.	13:31:04
22	MR. STERN: Are you instructing him not	13:31:05

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1	to answer?	13:31:07
2	MR. REDD: There's a difference	13:31:07
3	between -- there's a difference bet -- well, I'm	13:31:08
4	asking if there's a difference that I'm not	13:31:10
5	picking up on between where this set of questions	13:31:15
6	falls in the scope or whether it's the same as	13:31:20
7	prior and if there's something that --	13:31:25
8	MR. STERN: So the anonymous mailings	13:31:27
9	conflate Compass Marketing and Tagnetics.	13:31:32
10	MR. REDD: Yeah. Yeah, and Tagnetics	13:31:32
11	(indiscernible).	13:31:32
12	(Talking over)	13:31:38
13	MR. JORDAN: What is that -- what's the	13:31:38
14	relevance of anonymous mailings?	13:31:42
15	MR. REDD: It's --	13:31:42
16	MR. JORDAN: Hold on, Justin. What's the	13:31:44
17	relevance of --	13:31:46
18	MR. REDD: Go ahead.	13:31:46
19	MR. JORDAN: -- anonymous mailings to	13:31:47
20	Tagnetics to David Boshea and the lawsuit.	13:31:51
21	MR. STERN: You saw our counterclaim and	13:31:51
22	our third-party --	13:31:54

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1	MR. JORDAN: Well, I did -- I did see	13:31:55
2	your counterclaim. It doesn't have anything to do	13:31:56
3	with Tagnetics. There's two things: There's a	13:31:58
4	realtor and an appraiser and there is White Eagle	13:32:00
5	Country Club dues. And I don't know -- that	13:32:03
6	doesn't have anything to do with Tagnetics.	13:32:06
7	MR. STERN: If Mr. White is part and	13:32:07
8	parcel of these anonymous mailings as it relates	13:32:11
9	to other companies that are a part -- any of the	13:32:15
10	anonymous mailings that is aimed to hurt Compass	13:32:18
11	Marketing, that is relevant, it shows to motive.	13:32:24
12	MR. JORDAN: No, it --	13:32:24
13	MR. STERN: It shows motive.	13:32:24
14	MR. JORDAN: It doesn't show motive.	13:32:27
15	MR. STERN: It does.	13:32:27
16	MR. JORDAN: For what?	13:32:27
17	MR. STERN: We're not going to make	13:32:27
18	this -- you guys are killing a lot of the time	13:32:27
19	here.	13:32:29
20	MR. JORDAN: I -- I've hardly said --	13:32:29
21	MR. STERN: I don't get more time --	13:32:29
22	MR. JORDAN: Hold on. Hold on, Stephen.	13:32:31

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1	I hardly said anything today. Please don't	13:32:31
2	include me in that. I have -- I have been brief	13:32:35
3	in my objections, but the fact that you're --	13:32:37
4	you're exploring some claim against Michael White	13:32:41
5	presumably, who is not a party to the litigation,	13:32:45
6	with not a connection of any of this to David	13:32:48
7	Boshea is not relevant and I -- that's my	13:32:50
8	objection.	13:32:56
9	MR. STERN: Justin, are you instructing	13:32:59
10	him not to answer?	13:33:00
11	MR. REDD: Subject to finishing this	13:33:03
12	discussion out, we'll see. But, you know, the	13:33:06
13	reason that I've asked him to step out a couple	13:33:10
14	times when it's clear that something is or isn't	13:33:14
15	in the scope of the order, I'm trying to let	13:33:18
16	things go and do it quickly, but here it was	13:33:21
17	unclear to me. I wanted to clarify it because if	13:33:24
18	this does have connections that Greg is saying are	13:33:27
19	lacking and I'm -- I agree with Greg on, then I	13:33:31
20	want the witness to answer and I don't want to	13:33:37
21	stand in the way of a proper line of inquiry.	13:33:39
22	But in addition to what Greg --	13:33:41

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1	MR. STERN: Look, I appreciate you asking	13:33:41
2	him to leave.	13:33:41
3	MR. REDD: -- in addition to what Greg	13:33:43
4	just said, Compass Marketing said in UCF 42	13:33:44
5	anything -- many categories about Tagnetics have	13:33:52
6	nothing to do with the instant lawsuit. It might	13:33:54
7	have something to do with other lawsuits or	13:33:57
8	investigations that are going on in your mind, but	13:34:00
9	that does not make it a proper line of questioning	13:34:02
10	in this deposition. All right? You stated --	13:34:06
11	MR. STERN: It goes to his motive if he's	13:34:07
12	participated in this.	13:34:12
13	MR. JORDAN: Motive for what?	13:34:12
14	MR. STERN: It goes to accountability.	13:34:12
15	MR. REDD: Okay. Anything but --	13:34:12
16	MR. JORDAN: No, no. That's -- that's	13:34:14
17	too far afield.	13:34:15
18	MR. STERN: It goes to the motive as far	13:34:17
19	as this. With the anonymous mailings it goes to	13:34:17
20	credibility. He's lying about the anonymous	13:34:20
21	mailings.	13:34:24
22	MR. REDD: Okay. So disagree that there	13:34:24

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1 has been lying of any kind. And your suspicion 13:34:31
2 about the anonymous mailings and -- and the 13:34:38
3 counterclaims still does not connect anything 13:34:41
4 about Tagnetics to this case. And, you know, if 13:34:43
5 there's a different basis that you haven't stated, 13:34:51
6 I want to listen to it, but I'm not hearing 13:34:54
7 anything different than the basis that I said 13:34:57
8 earlier and gave a proper instruction not to 13:35:02
9 answer. So failing anything new from you, 13:35:08
10 Stephen, it's going to be the same objection and 13:35:13
11 the same instruction. So I'll get him back. 13:35:15
12 MR. STERN: Fine. 13:35:15
13 (Mr. White entered the room.) 13:35:17
14 BY MR. STERN: 13:35:40
15 Q Mr. White, your attorney has instructed 13:35:21
16 you not to answer any questions as it relates to 13:35:43
17 anonymous mailings related to a company known as 13:35:46
18 Tagnetics. I'll go back to the questions. We 13:35:51
19 don't accept that objection as being -- 13:35:51
20 instruction as being proper; nevertheless, for the 13:35:52
21 purposes of continuing this going forward I'll 13:35:55
22 circle back to questions. 13:35:57

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1	Other than the conversation you had in	13:35:58
2	2021 --	13:36:03
3	MR. REDD: Hold on one second. Hold on;	13:36:03
4	sorry. I don't think your characterization of	13:36:05
5	what I was objecting to is completely accurate in	13:36:06
6	what you just said. You said a lot in that	13:36:10
7	sentence. I want to streamline it, too, but not	13:36:12
8	at the expense of being precise and correct.	13:36:15
9	MR. STERN: All right. What did I	13:36:15
10	misstate?	13:36:15
11	MR. REDD: The questions -- the questions	13:36:15
12	that I -- as I -- do you want him to step out	13:36:23
13	again?	13:36:24
14	MR. STERN: No. That's fine.	13:36:24
15	MR. REDD: Okay. Your questions, as I	13:36:25
16	understood them, one, you didn't -- I believe you	13:36:28
17	asked at the beginning whether Mr. White was	13:36:34
18	involved in any anonymous mailings, and he said	13:36:37
19	no. And then we're getting into things about	13:36:40
20	Tagnetics that -- that I did not -- one, did not	13:36:49
21	see the connection to anonymous mailings; but,	13:36:49
22	two, if you're just -- you're lumping in a lot of	13:36:54

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1 different questions into your summary of what I 13:36:54
2 was objecting to and instructing him not to 13:36:56
3 answer. So I don't want to purport to correct it 13:36:58
4 for you or say what I think it was, but there was 13:37:04
5 a difference in my understanding. 13:37:06

6 MR. STERN: I will agree to disagree. 13:37:06
7 And let me get back to my questioning. 13:37:09

8 Q Other than the conversation in 2021 with 13:37:11
9 Mr. Ewing where you informed him about the filing 13:37:16
10 that was made in Virginia litigation, did you have 13:37:20
11 any other discussions with Mr. Ewing related to 13:37:23
12 Compass Marketing? 13:37:26

13 A I don't believe so, no. 13:37:26

14 Q Where does Mr. Ewing live? 13:37:33

15 A I don't know. 13:37:35

16 Q When was the last time you saw Mr. Ewing? 13:37:39

17 A July 4, 2021. 13:37:45

18 Q Where did you see him? 13:37:55

19 A At my residence. 13:37:57

20 Q Do you know what state Mr. Ewing lives 13:37:59
21 in? 13:38:06

22 A I know what state he tells me he lives 13:38:06

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1	in.	13:38:12
2	Q What state does he tell you he lives in?	13:38:12
3	A South Carolina.	13:38:16
4	Q Do you ever send any mail to Mr. Ewing?	13:38:18
5	A No.	13:38:23
6	Q Do you know whether he uses a street	13:38:25
7	address or a P.O. box for his mail?	13:38:29
8	A I do not.	13:38:31
9	Q Do you know what city in South Carolina	13:38:33
10	Mr. Ewing says he lives in?	13:38:38
11	A I do not.	13:38:41
12	Q Do you know if at any point in time	13:38:43
13	Mr. Ewing has communicated to you that he says he	13:38:48
14	resides in St. Helena, South Carolina?	13:38:51
15	A I do not remember that, no.	13:38:55
16	MR. STERN: All right. Why don't we take	13:38:57
17	a short break, about ten minutes.	13:39:10
18	MR. JORDAN: Okay.	13:39:10
19	MR. STERN: All right.	13:39:12
20	VIDEO TECHNICIAN: The time is 1:39 p.m.	13:39:12
21	We're off the record.	13:39:15
22	(A recess was taken.)	13:39:16

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1	VIDEO TECHNICIAN: We are on the record	13:39:16
2	at 1:51 p.m.	13:51:15
3	BY MR. STERN:	13:51:18
4	Q I would like to show you a new document.	13:51:18
5	It's an e-mail from you to John White dated	13:51:24
6	November 24, 2018, is the most recent in that	13:51:29
7	string.	13:51:34
8	MS. YEUNG: Stephen, can you hear me?	13:51:34
9	MR. STERN: Now I can. Hello?	13:52:01
10	MS. YEUNG: I need another clue as to	13:52:03
11	what document you want me to pull up.	13:52:08
12	MR. STERN: It's the e-mail -- I'll step	13:52:08
13	in really briefly.	13:52:08
14	MS. YEUNG: Does it have a Bates number?	13:52:10
15	MR. STERN: No, it does -- oh, yeah.	13:52:11
16	495; I'm sorry. DJW'495. I didn't realize it was	13:52:15
17	a Bates number. It's kind of blocked out a little	13:52:17
18	bit.	13:52:21
19	MS. YEUNG: Give me just a minute to pull	13:52:21
20	it up. Apologies.	13:52:52
21	MR. STERN: Is it going to take you a few	13:52:54
22	minutes to get these ready?	13:53:16

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1	MS. YEUNG: No.	13:53:19
2	MR. STERN: Why don't we go off the	13:53:20
3	record until the -- this document is ready.	13:53:31
4	MS. YEUNG: I've got it now.	13:53:32
5	THE COURT REPORTER: And this will be	13:53:34
6	Exhibit 18.	13:53:42
7	MR. STERN: Thank you, Madam Court	13:53:42
8	Reporter.	13:53:42
9	(White Deposition Exhibit 18 marked for	13:53:42
10	identification and is attached to the transcript.)	13:53:42
11	Q I'm showing you -- Mr. White, I'm showing	13:53:42
12	you what's been marked as Exhibit No. 18. The	13:53:46
13	most recent e-mail in this thread is from you to	13:53:50
14	John White and Daniel White dated November 24,	13:53:53
15	2018, at 9:04 a.m. and it has a Cc: Copy to	13:53:57
16	Compass@compassmarketinginc.com. Do you see that?	13:54:02
17	A I see what's on your screen, yes.	13:54:07
18	Q Did you send that e-mail?	13:54:09
19	A I sent an e-mail similar to it.	13:54:11
20	Q What is different about this e-mail from	13:54:17
21	the one you sent?	13:54:22
22	A I don't know.	13:54:23

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1	Q	Why don't you take a moment to read	13:54:24
2		through it?	13:54:27
3	MR. JORDAN:	Are you e-mailing these	13:54:27
4		documents to Justin so he can look at them in that	13:54:32
5		fashion? I know I'm getting them.	13:54:37
6	MS. YEUNG:	I am.	13:54:38
7	MR. JORDAN:	To the extent that would	13:54:40
8		help things, Justin, if you want to look at it on	13:54:42
9		your computer and show Mr. White.	13:54:44
10	MR. REDD:	Thanks. I've got them on the	13:54:47
11		screen here and it -- and I'm receiving Heather's	13:54:49
12		e-mails, thank you.	13:54:53
13	MR. JORDAN:	Okay.	13:54:54
14	A	Do you want me to review below what it --	13:54:58
15		below "Regards Mike"?	13:55:09
16	Q	Yes. There is another e-mail. The first	13:55:09
17		e-mail in the string is dated November 23, 2018,	13:55:13
18		at 12:24 p.m. and it is from John White to you	13:55:17
19		with a copy, Cc: Copy, to John White.	13:55:21
20		In the original e-mail in the string he's	13:55:27
21		advising you that your employment is being	13:55:28
22		terminated; is that correct?	13:55:30

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1	A	That's what the words say, yes.	13:55:31
2	Q	Have you performed any job duties for	13:55:47
3		Compass Marketing since November 23, 2018?	13:55:53
4		MR. REDD: Objection; asked and answered.	13:55:55
5		You can answer.	13:56:08
6	A	Yes. Yes, I have.	13:56:08
7	Q	What duties have you performed for	13:56:09
8		Compass Marketing since November 23, 2018?	13:56:13
9	A	I have been an owner of Compass Marketing	13:56:14
10		since that date. On that particular date I -- or	13:56:22
11		after that particular date I performed several	13:56:26
12		payrolls, I submitted several reports, I've paid	13:56:31
13		several bills, I put together several desks, fixed	13:56:36
14		several chairs.	13:56:49
15	Q	When did you stop doing payroll?	13:56:49
16	A	When I was locked out of the payroll	13:56:51
17		system I believe was somewhere around May of 2019.	13:56:56
18	Q	Did you write any checks to yourself	13:57:00
19		after your -- you were notified that your	13:57:07
20		employment was being terminated?	13:57:10
21	A	I don't know if I wrote checks to myself,	13:57:11
22		but I didn't stop doing anything after November 23	13:57:21

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1	that I was normally doing.	13:57:25
2	Q Did you write checks to Daniel White	13:57:27
3	after November 23, 2018?	13:57:30
4	A I don't know.	13:57:32
5	Q Did you have John White's consent to	13:57:34
6	perform any of these duties that you performed	13:57:43
7	after November 23, 2018?	13:57:45
8	MR. JORDAN: Objection; foundation.	13:57:47
9	A I don't know if I had John White's	13:57:51
10	consent and I don't know if I needed John White's	13:57:59
11	consent, so the answer to your question would be	13:58:02
12	no.	13:58:05
13	Q Are you aware that there was a meeting in	13:58:05
14	February of 2019 where you were voted off the	13:58:11
15	board of directors of Compass Marketing?	13:58:16
16	MR. JORDAN: Objection; compound.	13:58:17
17	Q Mr. White?	13:58:23
18	MR. REDD: He answered.	13:58:32
19	Q I couldn't hear it.	13:58:35
20	MR. REDD: He answered.	13:58:35
21	If you'd repeat it.	13:58:37
22	THE COURT REPORTER: Oh, I didn't hear it	13:58:37

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1	either.	13:58:39
2	A Can you repeat the question, please?	13:58:39
3	Q Are you aware that there was a board	13:58:41
4	meeting -- I'm sorry -- a shareholders meeting in	13:58:43
5	February 2019 where you were voted off the board	13:58:44
6	of directors of Compass Marketing?	13:58:49
7	MR. JORDAN: Same objection.	13:58:49
8	A No. No.	13:58:52
9	Q You're not aware that that meeting took	13:58:52
10	place?	13:58:58
11	A I am not.	13:58:58
12	Q In the e-mail at the very top of this	13:59:00
13	string, I'm going to direct you to the one, two,	13:59:17
14	three, four lines from the bottom all the way on	13:59:31
15	the right. It starts: "John, if you wish to	13:59:35
16	destroy this company, you will be doing it through	13:59:38
17	me, not around me or with me."	13:59:41
18	Was that a threat?	13:59:45
19	MR. REDD: Objection; form.	13:59:47
20	A No.	13:59:49
21	Q Your e-mail continues: "You should put	13:59:53
22	on your big boy pants. You will need them."	13:59:57

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1	Was that intended to be a threat to John	14:00:01
2	White?	14:00:03
3	MR. REDD: Objection; form.	14:00:03
4	A No.	14:00:05
5	Q What did you mean when you said in your	14:00:07
6	e-mail that "...you will be doing it through me,	14:00:11
7	not around me or with me" and that "You should put	14:00:14
8	on your big boy pants. You will need them." What	14:00:17
9	did you mean by those sentences?	14:00:21
10	A I meant that he would have to destroy the	14:00:24
11	company without my help.	14:00:28
12	Q Do you want to see the company destroyed?	14:00:29
13	A No.	14:00:33
14	Q Do you want to see the company dissolved?	14:00:36
15	A On November 24, 2018?	14:00:39
16	Q No, at present. Do you want to see	14:00:46
17	Compass Marketing --	14:00:46
18	A Presently --	14:00:46
19	Q -- dissolved?	14:00:49
20	MR. REDD: Objection. Again, it's far	14:00:49
21	outside the scope of this case.	14:00:57
22	MR. STERN: It goes to motive.	14:00:58

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1	MR. REDD: Mainly he's being asked for an	14:01:03
2	improper purpose for use in separate litigation	14:01:05
3	and separate investigations.	14:01:07
4	MR. STERN: This is a simple question as	14:01:09
5	to -- it goes to his motive.	14:01:13
6	MR. REDD: When are you going to ask	14:01:13
7	about Mr. Boshea's -- whether Mr. Boshea's	14:01:17
8	entitled to severance or not that is at issue	14:01:19
9	here?	14:01:22
10	MR. STERN: Are you instructing him not	14:01:23
11	to answer?	14:01:24
12	MR. REDD: No. But I -- I'm saying that	14:01:25
13	this line of questioning is not going towards	14:01:29
14	anything that is relevant to this case. Relevance	14:01:31
15	is standard.	14:01:35
16	You can answer, but we're going to get to	14:01:39
17	a point where there might have to be another	14:01:41
18	instruction. I hope we don't.	14:01:45
19	Go ahead.	14:01:49
20	A Please repeat your question, Mr. Stern.	14:01:49
21	Q As of today do you want to see Compass	14:01:51
22	Marketing dissolve?	14:01:55

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1	A	As of today I have filed a joint motion	14:01:56
2		to dissolve Compass Marketing.	14:02:03
3	Q	Why do you want to see Compass Marketing	14:02:03
4		dissolved?	14:02:10
5	A	Compass Marketing has become a criminal	14:02:10
6		enterprise and I am attached to Compass Marketing	14:02:17
7		and I want to detach myself from Compass	14:02:22
8		Marketing.	14:02:24
9	Q	Have you wanted Compass Marketing to be	14:02:24
10		dissolved since the termination of your	14:02:33
11		employment?	14:02:35
12	A	No.	14:02:35
13	Q	Have you wanted to extract money --	14:02:36
14	A	I have never --	14:02:37
15	Q	-- from Compass Marketing that you did	14:02:38
16		not earn either before or after your employment	14:02:44
17		with Compass Marketing ended?	14:02:48
18	MR. REDD:	Objection. We're getting into	14:02:48
19		the territory of harassment, intimidation,	14:02:52
20		improper purpose. These questions are not proper;	14:02:56
21		they have nothing to do with this case.	14:03:01
22		You can answer.	14:03:04

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1	A	Please repeat your question.	14:03:04
2		MR. STERN: Could you repeat the	14:03:07
3		question, Madam Court Reporter.	14:03:08
4		(The pending question was read.)	14:03:09
5		MR. JORDAN: Objection; asked and	14:03:09
6		answered.	14:03:27
7	A	I don't understand that question. It	14:03:27
8		sounds like there's about three questions in	14:03:30
9		there.	14:03:32
10	Q	Well, prior to your employment with	14:03:32
11		Compass Marketing ending, did you take any money	14:03:38
12		from the company that you did not earn?	14:03:39
13	A	My employment with Compass Marketing has	14:03:40
14		not ended.	14:03:47
15		MR. JORDAN: Objection to relevance	14:03:47
16		anyway.	14:03:50
17	Q	Any time prior to today have you taken	14:03:50
18		any money from Compass Marketing that you did not	14:03:55
19		earn?	14:03:57
20		MR. JORDAN: Objection to relevance.	14:03:57
21		MR. REDD: Objection to asking the same	14:03:59
22		question repeatedly. Objection to form.	14:04:04

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1	Objection to this being far afield of the proper	14:04:09
2	scope of this case related to David Boshea's	14:04:13
3	lawsuit or any counterclaims against David Boshea	14:04:18
4	or anyone else.	14:04:21
5	You can answer.	14:04:22
6	A No.	14:04:22
7	Q Have you helped any person other than	14:04:23
8	yourself to receive money from Compass Marketing	14:04:28
9	that they did not earn?	14:04:36
10	MR. JORDAN: Objection to relevance.	14:04:37
11	Objection to vagueness.	14:04:41
12	MR. REDD: Same objection for me.	14:04:42
13	THE COURT REPORTER: I'm sorry; was that	14:04:42
14	you, Mr. Redd?	14:04:45
15	MR. REDD: Same objection by Justin Redd.	14:04:45
16	THE COURT REPORTER: Thanks.	14:04:49
17	MR. REDD: You may answer.	14:04:53
18	A No.	14:04:54
19	Q Okay. I'd like to show you another	14:04:57
20	e-mail.	14:04:58
21	MR. STERN: This one, Heather, is dated	14:05:01
22	August 21, 2017, at 9:32 p.m.	14:05:03

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1	Madam Court Reporter, what exhibit number	14:05:03
2	is this?	14:05:03
3	THE COURT REPORTER: This is Exhibit 19.	14:05:03
4	(White Deposition Exhibit 19 marked for	14:05:03
5	identification and is attached to the transcript.)	14:05:10
6	Q I'm showing you what's been marked as --	14:05:10
7	will be or is marked as Exhibit 19. This is an	14:05:37
8	e-mail from Daniel White to you dated August 21,	14:05:39
9	2017, at 9:32 p.m. In the upper right-hand corner	14:05:45
10	it has your e-mail address on it. Do you see	14:05:49
11	that?	14:05:53
12	A I see what you have on the screen, yes.	14:05:53
13	THE WITNESS: Can you also scroll down to	14:05:53
14	the bottom so --	14:06:00
15	MR. JORDAN: Objection to relevance of	14:06:00
16	anything having to do with this. No relevance at	14:06:02
17	all to this lawsuit.	14:06:05
18	Q Mr. White, why is your name printed in	14:06:07
19	the upper right-hand corner?	14:06:11
20	MR. REDD: Objection to form.	14:06:15
21	MR. JORDAN: Objection to relevance. He	14:06:16
22	was an employee at the time. What's the point of	14:06:18

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1	this?	14:06:21
2	Q Mr. White?	14:06:22
3	MR. REDD: I agree with Mr. Jordan's	14:06:24
4	objection.	14:06:26
5	You can answer for now.	14:06:26
6	A I don't know.	14:06:27
7	Q Did you print this e-mail? Is that why	14:06:29
8	it shows your name at the top right corner?	14:06:34
9	MR. JORDAN: Objection to relevance.	14:06:37
10	A I don't know.	14:06:38
11	Q In the e-mail the first -- the text of	14:06:39
12	the e-mail from Daniel White to you says: "Just	14:06:48
13	while it is in front of me, and the TAG boys are	14:06:49
14	robbing us blind..." It says "Emily Patricia	14:06:51
15	White" and it gives a bunch of information,	14:06:55
16	including bank information. Who is Emily Patricia	14:06:57
17	White?	14:07:00
18	MR. JORDAN: Objection; relevance.	14:07:00
19	MR. REDD: Objection. Yeah, objection.	14:07:00
20	This is -- unless I'm missing something, goes to a	14:07:04
21	similar line of questioning that I didn't hear any	14:07:04
22	different justification for as before, so my	14:07:16

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1	earlier objections stand as to this document, and	14:07:17
2	I instruct the witness not to answer on the basis	14:07:20
3	of Rule 30(c)(2).	14:07:25
4	Q Have you at any point discussed with	14:07:26
5	Daniel White a BS loan?	14:07:32
6	MR. JORDAN: Objection to relevance.	14:07:39
7	MR. REDD: Same objection.	14:07:43
8	Same instruction.	14:07:45
9	Q Do you know whether Daniel White has any	14:07:45
10	loans that are not real loans to or from Compass	14:07:55
11	Marketing?	14:07:57
12	MR. JORDAN: Objection to vague,	14:07:57
13	unintelligible, and relevance.	14:08:04
14	MR. REDD: Same objection.	14:08:07
15	Same instruction.	14:08:10
16	Q Have you ever planned with Daniel White	14:08:10
17	to fabricate a loan arrangement between him and	14:08:14
18	the company?	14:08:17
19	MR. JORDAN: Objection to relevance.	14:08:17
20	MR. REDD: Same instruction. You can	14:08:18
21	answer that question if you can.	14:08:24
22	A Can you repeat the question?	14:08:25

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1	MR. STERN: Can you please repeat it,	14:08:30
2	Madam Court Reporter.	14:08:32
3	(The pending question was read.)	14:08:32
4	A No.	14:08:32
5	Q Have you ever fabricated any loan	14:08:32
6	arrangement between you and Compass Marketing?	14:08:53
7	MR. JORDAN: Objection; relevance.	14:08:54
8	MR. REDD: Objection. This question is	14:08:57
9	being asked in bad faith. They're unreasonably	14:08:59
10	annoying and oppressive. They're for an improper	14:09:03
11	purpose.	14:09:05
12	Go ahead and answer.	14:09:05
13	A Can you please give me a definition of	14:09:07
14	fabricate?	14:09:10
15	Q A loan that is not real or authentic.	14:09:11
16	MR. JORDAN: Objection; confusing. I	14:09:17
17	don't understand what that means.	14:09:19
18	MR. REDD: The answer was no.	14:09:27
19	MR. STERN: I didn't hear that from Mr.	14:09:27
20	White.	14:09:32
21	MR. REDD: He said it.	14:09:32
22	Q Can you repeat the answer then, Mr.	14:09:35

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176

1	White?	14:09:37
2	A No.	14:09:37
3	Q Do you know what BS loan Daniel White is	14:09:39
4	referring to in this e-mail?	14:09:48
5	MR. JORDAN: Objection to relevance.	14:09:49
6	MR. REDD: Objection. Objection to the	14:09:51
7	characterization and objection to the assumptions	14:09:53
8	implicit in the question.	14:09:56
9	In addition to the reasons I stated on	14:09:59
10	the record earlier, I instruct you not to answer.	14:10:01
11	This is clearly beyond the scope of	14:10:07
12	permitted discovery.	14:10:10
13	MR. STERN: Again, it goes to motive,	14:10:11
14	credibility.	14:10:14
15	MR. JORDAN: I dispute that	14:10:14
16	characterization.	14:10:17
17	MR. REDD: Those reasons are not	14:10:17
18	sufficient for -- for any of these lines of	14:10:19
19	questioning.	14:10:22
20	MR. STERN: Like I said, Justin, we'll be	14:10:22
21	taking that up with the Court.	14:10:25
22	Q I'd like to show you a check. It's dated	14:10:25

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1	December 1, 2015.	14:10:43
2	MR. STERN: I guess this is Exhibit No.	14:10:45
3	20.	14:10:54
4	THE COURT REPORTER: That's correct.	14:10:54
5	(White Deposition Exhibit 20 marked for	14:10:54
6	identification and is attached to the transcript.)	14:10:56
7	Q This is Check No. 09376 from Compass	14:10:56
8	Marketing, Inc., paid to the order of Daniel J.	14:11:03
9	White in the amount of \$65,000. The memo says	14:11:05
10	"Final Payments to James DiPaula and Patrick	14:11:10
11	Miller."	14:11:18
12	Is that your signature on the check?	14:11:18
13	A Don't know.	14:11:19
14	Q Do you recall writing this check and	14:11:24
15	signing it to be payable to Daniel White?	14:11:27
16	A No.	14:11:31
17	Q Do you deny signing this check that was	14:11:31
18	made payable to Daniel White?	14:11:38
19	A No.	14:11:39
20	Q Do you know what the purpose of this	14:11:39
21	check was for?	14:11:44
22	A No.	14:11:45

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178

1	Q	Do you know why the amount of \$65,000 is	14:11:47
2		on that check?	14:11:51
3	A	No.	14:11:52
4	MR. REDD:	I object to this entire line	14:11:54
5		of questioning about this check. It says it's to	14:12:00
6		James DiPaula. His -- any of his compensation was	14:12:05
7		ruled to be not discoverable in the case.	14:12:09
8	MR. STERN:	Like we said, we're going to	14:12:12
9		be filing a motion about that and it sounds like	14:12:16
10		Mr. Jordan is going to be joining in part of it.	14:12:18
11		All right. Next up I would like to --	14:12:32
12		Heather, why don't we pull up the signature card	14:12:34
13		on the bank.	14:12:44
14	Q	So I'm showing what has been marked as	14:12:45
15		Exhibit No. 21.	14:13:06
16		(White Deposition Exhibit 21 marked for	14:13:06
17		identification and is attached to the transcript.)	14:13:10
18	Q	Do you recognize this document?	14:13:10
19	A	I do not.	14:13:12
20	Q	Did you open a bank account in Compass	14:13:14
21		Marketing's name with a bank known as County First	14:13:22
22		Bank on or about December 1, 2008?	14:13:25

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1	MR. REDD: Objection to relevance to	14:13:27
2	anything to do with Boshea versus Compass	14:13:35
3	Marketing in this case.	14:13:41
4	You can answer.	14:13:42
5	A I opened a bank account. I don't	14:13:43
6	remember what date it was.	14:13:45
7	Q Is that your signature on this document?	14:13:47
8	A I don't know.	14:13:50
9	Q When you opened the bank account with	14:13:52
10	County First Bank, did you list -- what address	14:13:59
11	did you list as Compass Marketing's address?	14:14:01
12	A I don't know.	14:14:05
13	Q Does this document indicate Compass	14:14:06
14	Marketing's address as 39650 Hiawatha Circle in	14:14:09
15	Mechanicsville, Maryland?	14:14:17
16	A It does.	14:14:18
17	Q Is that your home address?	14:14:19
18	A It is.	14:14:20
19	Q Why would Compass Marketing open a bank	14:14:22
20	account with your home address listed as the	14:14:25
21	business' address?	14:14:27
22	MR. REDD: Same objections.	14:14:27

Transcript of Michael R. White
Conducted on December 1, 2021

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1	You can answer.	14:14:33
2	A All of our bank accounts were opened with	14:14:34
3	that address.	14:14:37
4	Q Every single bank account was opened with	14:14:38
5	that address?	14:14:42
6	A Correct.	14:14:42
7	Q Why did the bank accounts go to your home	14:14:43
8	address rather than the company's address?	14:14:47
9	A Because that's the address on the form.	14:14:49
10	Q Why was that address put on the form?	14:14:57
11	A That's the address that --	14:14:59
12	MR. JORDAN: Objection to relevance.	14:14:59
13	A That's the address we --	14:15:05
14	MR. REDD: Go ahead, yes. I object to	14:15:08
15	relevance, but go ahead.	14:15:12
16	A That's the address we put on all our bank	14:15:13
17	forms and all our payroll forms and all our 401K	14:15:16
18	forms. And most of our government forms had that	14:15:21
19	address on them.	14:15:30
20	Q All right.	14:15:31
21	MR. STERN: Let's switch back to the last	14:15:32
22	exhibit for a moment.	14:15:33

Transcript of Michael R. White
Conducted on December 1, 2021

181

1	Q	Is that the Hiawatha address you're	14:15:34
2		referring to that's on every form?	14:15:56
3	MR. REDD:	Objection to the form of the	14:15:58
4		question --	14:16:01
5	MR. STERN:	Fair enough. Let me rephrase	14:16:01
6		the question.	14:16:01
7	MR. REDD:	Same time frame.	14:16:03
8	THE COURT REPORTER:	I'm sorry, Mr. Redd;	14:16:03
9		can you -- can you repeat that?	14:16:08
10	MR. REDD:	I object to the form because	14:16:09
11		the questions implicitly refer to the same time	14:16:11
12		frame, which is not -- not what's being fought	14:16:17
13		about.	14:16:23
14	Q	Is the address listed on this check the	14:16:23
15		Hiawatha Circle address that you just identified?	14:16:29
16	A	The check that you're producing on the	14:16:29
17		screen, it is not.	14:16:32
18	Q	Is this from a Compass Marketing checking	14:16:32
19		account?	14:16:36
20	A	The form you have on the screen appears	14:16:36
21		to be a check from Compass Marketing checking	14:16:41
22		account.	14:16:45

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182

1	Q	So did Compass Marketing open a checking	14:16:45
2		account with the Manufacturers & Traders Trust	14:16:49
3		Company where the address listed was in Annapolis	14:16:53
4		rather than Mechanicsville, Maryland?	14:16:57
5	A	No.	14:16:57
6		MR. REDD: I'll object to lack of any	14:16:57
7		connection to this case.	14:17:07
8		You can answer.	14:17:08
9	A	No.	14:17:08
10	Q	So this is not a real Compass Marketing	14:17:09
11		check?	14:17:11
12		MR. JORDAN: Objection. You're	14:17:11
13		mischaracterizing his testimony.	14:17:16
14		MR. REDD: Go ahead.	14:17:17
15	A	Please repeat your question.	14:17:17
16	Q	Is this not a real Compass Marketing	14:17:22
17		check?	14:17:24
18		MR. REDD: Objection to form.	14:17:24
19	A	It appears to be a Compass Marketing	14:17:28
20		check.	14:17:29
21	Q	Do you know why then the 222 Severn	14:17:29
22		Avenue, Suite 200, Annapolis, Maryland 21403	14:17:35

Transcript of Michael R. White
Conducted on December 1, 2021

183

1	address is listed on this check for Compass	14:17:41
2	Marketing?	14:17:43
3	MR. REDD: Objection to lack of	14:17:43
4	connection to this case.	14:17:48
5	You can answer.	14:17:49
6	A Please repeat your question.	14:17:50
7	Q Do you know why this check has identified	14:17:51
8	Compass Marketing's address as 222 Severn Avenue,	14:17:58
9	Suite 200, Annapolis, Maryland 21403?	14:18:00
10	MR. REDD: Same objection.	14:18:06
11	Go ahead.	14:18:06
12	A That's the address that was printed on	14:18:07
13	the check when it was printed.	14:18:11
14	Q Is that a mistake by the bank?	14:18:12
15	MR. REDD: Objection; form.	14:18:15
16	MR. JORDAN: Objection; foundation, that	14:18:15
17	the bank printed the check.	14:18:19
18	Q Do you deny writing this check?	14:18:22
19	A No.	14:18:24
20	Q Do you -- is that not a correct address	14:18:24
21	that's listed on the check?	14:18:28
22	MR. REDD: Same objection.	14:18:30

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184

1	Go ahead.	14:18:34
2	A The address that is printed on there --	14:18:34
3	MR. JORDAN: Asked and answered also.	14:18:35
4	A The address printed on that check is 222	14:18:37
5	Severn Avenue, Suite 200, Annapolis, Maryland	14:18:44
6	21403.	14:18:49
7	Q How do you reconcile that address being	14:18:49
8	listed on the check with what you just said, all	14:18:52
9	the forms you have with banks listed the Hiawatha	14:18:53
10	address?	14:18:56
11	MR. JORDAN: Objection; that's not --	14:18:56
12	that's a mischaracterization of the testimony. He	14:19:00
13	was talking about bank cards, not all bank forms.	14:19:01
14	MR. STERN: His testimony said all bank	14:19:04
15	forms. Thank you.	14:19:07
16	THE COURT REPORTER: I'm sorry, Mr. Redd	14:19:08
17	or Mr. White; did you say something?	14:19:14
18	MR. REDD: The same objection as	14:19:16
19	Mr. Jordan and to the form of the question.	14:19:19
20	Q Go ahead, Mr. White.	14:19:21
21	A Please repeat your question, Mr. Stern.	14:19:24
22	MR. STERN: Can you repeat -- can you	14:19:24

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185

1	read back my question.	14:19:45
2	(The pending question was read.)	14:19:45
3	A The check that you produced on the screen	14:19:45
4	is not the form for creating the bank account.	14:19:48
5	Q How do -- do you know why the check would	14:19:52
6	list this address then?	14:19:59
7	A Because that's what's printed on the	14:20:00
8	check.	14:20:04
9	Q Why would that address be printed on the	14:20:04
10	check?	14:20:08
11	A Because somebody printed it -- that	14:20:08
12	address on the check.	14:20:14
13	Q Wouldn't someone from the bank have to	14:20:15
14	put that address into some account information	14:20:19
15	that was provided to it?	14:20:22
16	MR. REDD: Objection to form.	14:20:24
17	A I don't --	14:20:27
18	MR. JORDAN: Objection for speculation.	14:20:27
19	A I don't believe so.	14:20:29
20	Q Going back to the bank form that's -- 21,	14:20:34
21	was it? -- the only signatures that appear on this	14:20:43
22	document are yours and Daniel White's; correct?	14:20:45

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186

1	A	I don't know.	14:20:48
2	Q	Why did you not include John White's name	14:20:49
3		on this signature card?	14:21:00
4	MR. REDD:	Objection; no connection to	14:21:01
5		this case. We're going around in circles with	14:21:07
6		questions that have nothing to do with Boshea	14:21:13
7		versus Compass Marketing in the District of	14:21:18
8		Maryland, United States District Court for the	14:21:19
9		District of Maryland. Where are we going with	14:21:22
10		this?	14:21:28
11		Go ahead and answer.	14:21:28
12	A	Please repeat your question, Mr. Stern.	14:21:29
13	Q	Why was John White's signature not	14:21:31
14		included on the signature card for this bank	14:21:34
15		account?	14:21:36
16	MR. REDD:	Same objection.	14:21:36
17	A	I -- I don't know.	14:21:38
18	Q	Did John White know about this bank	14:21:38
19		account?	14:21:45
20	MR. JORDAN:	Objection; calls for	14:21:45
21		speculation.	14:21:47
22	MR. REDD:	Objection; same objection.	14:21:47

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187

1	Go ahead.	14:21:51
2	A I don't know.	14:21:51
3	Q Did John White receive any distributions	14:21:52
4	or payments from this bank account?	14:21:57
5	MR. REDD: Objection --	14:21:58
6	MR. JORDAN: Objection; calls for	14:21:58
7	speculation.	14:22:00
8	MR. REDD: Sorry, Mr. Jordan.	14:22:04
9	Steve, can I just have a continuing	14:22:07
10	objection to this line of questioning? I'm not	14:22:08
11	instructing him not to answer at this time, but I	14:22:11
12	don't want to just keep jumping in unnecessarily.	14:22:13
13	So...	14:22:16
14	MR. STERN: I appreciate it. While I'll	14:22:16
15	acknowledge you have a continuing objection, I	14:22:18
16	don't acknowledge the merits of the objection, I	14:22:21
17	disagree with the merits. But for the purposes of	14:22:24
18	trying to simplify this process, I'll acknowledge	14:22:26
19	that you've got one on the record.	14:22:30
20	MR. JORDAN: Stephen, can I have a	14:22:31
21	continuing objection to the relevance of this line	14:22:33
22	of questioning?	14:22:35

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188

1	MR. STERN: Likewise I'll acknowledge	14:22:35
2	that you've got one. I don't agree with the	14:22:38
3	merits of it and dispute that. But for purposes	14:22:40
4	of preserving the record, you've got your	14:22:43
5	continuing objection noted.	14:22:45
6	Q Mr. White?	14:22:46
7	A Please repeat your question, Mr. Stern.	14:22:54
8	MR. STERN: Can you read it back, Madam	14:22:57
9	Court Reporter.	14:23:00
10	(The pending question was read.)	14:23:00
11	A I don't know.	14:23:00
12	Q Who would know that information?	14:23:13
13	A That would be a guess on my part.	14:23:19
14	Q Were you and David White the only ones	14:23:27
15	who were authorized to write checks from this bank	14:23:32
16	account?	14:23:35
17	A I don't think so, no.	14:23:35
18	Q Who else had authority to write checks	14:23:38
19	from that bank account?	14:23:40
20	A I believe John White had authority to	14:23:42
21	write checks from this account. I believe he had	14:23:49
22	a different signature card.	14:23:51

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189

1	Q	Why would John White have a different	14:23:52
2		signature card for this bank account?	14:24:01
3	A	I believe John White signed his card at a	14:24:03
4		different time than Daniel and I signed our card.	14:24:09
5	Q	What was the purpose of this bank	14:24:11
6		account?	14:24:16
7	A	To take care of checks for Compass	14:24:16
8		Marketing.	14:24:25
9	Q	Was this the operating account for	14:24:25
10		Compass Marketing?	14:24:29
11	A	It was one of the operating accounts.	14:24:29
12	Q	How many operating accounts did Compass	14:24:35
13		Marketing have at this time?	14:24:40
14	A	I believe three.	14:24:41
15	Q	Which banks were they with?	14:24:50
16	A	I believe M&T Bank; this bank I think is	14:24:53
17		Colony or Colonial First; and I think a bank that	14:25:08
18		was originally called Orange Bank purchased by	14:25:17
19		Capital One.	14:25:23
20	Q	And were those the three operating	14:25:23
21		accounts that -- maintained by Compass Marketing	14:25:30
22		until November 2018?	14:25:36

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190

1	A	I -- I don't believe that any of the	14:25:37
2		three ceased existence in 2018.	14:25:47
3	Q	That wasn't my question. Were those the	14:25:50
4		three operating accounts for Compass Marketing all	14:25:55
5		the way through to November 2018?	14:26:00
6	A	No.	14:26:02
7	Q	So Compass Marketing had more or less	14:26:04
8		operating accounts between December 1, 2008, and	14:26:08
9		November 2018?	14:26:12
10	A	I don't believe they had more, no.	14:26:13
11		MR. REDD: To the extent my continuing	14:26:17
12		objection doesn't already cover it, object to the	14:26:23
13		form.	14:26:27
14	Q	So did any of these three that you	14:26:27
15		mentioned terminate before November 2018?	14:26:30
16	A	Not to my knowledge, no.	14:26:32
17	Q	I would like to show you another	14:26:39
18		signature card. This one is also with County	14:26:43
19		First Bank to have opened the account on June 13,	14:27:03
20		2009, and it only lists your signature on the	14:27:10
21		signature card. Do you see that?	14:27:13
22	A	I see the form you have on the screen,	14:27:16

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191

1	yes.	14:27:18
2	Q Is that your signature?	14:27:18
3	A I don't know. I have no reason to	14:27:19
4	believe it is not, but I don't know.	14:27:24
5	(White Deposition Exhibit 22 marked for	14:27:24
6	identification and is attached to the transcript.)	14:27:25
7	Q Did you open this bank account with	14:27:25
8	County First Bank?	14:27:32
9	A I'm not sure that that is a bank account.	14:27:32
10	Q What -- then what would this account be?	14:27:41
11	A I believe it is --	14:27:47
12	MR. REDD: Can you scroll back up.	14:27:50
13	Sorry; we're -- we're looking at the bottom.	14:27:53
14	A I believe it is a deposit account to hold	14:27:54
15	the security for the bond for our rental in	14:28:03
16	Annapolis, Maryland, our -- our rental lease.	14:28:10
17	Q And how long was this account open for?	14:28:12
18	A I don't know.	14:28:14
19	Q Did anyone have the authority to operate	14:28:16
20	this account or take action regarding this account	14:28:21
21	other than you?	14:28:24
22	A I don't know.	14:28:24

Transcript of Michael R. White
Conducted on December 1, 2021

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1	Q	Did you authorize anyone to take any	14:28:27
2		action in connection with this bank account other	14:28:32
3		than yourself?	14:28:34
4	A	Can you define authorize for me?	14:28:35
5	Q	Who did you give permission to take any	14:28:40
6		action with respect to this bank account other	14:28:46
7		than yourself?	14:28:48
8	MR. JORDAN:	I'm confused by that	14:28:48
9		question so I object.	14:28:53
10	A	I would ask you to explain the question a	14:28:54
11		little more, Mr. Stern. I don't -- I don't	14:28:59
12		understand what you're asking.	14:29:01
13	Q	Who did you give permission to to take	14:29:02
14		action with respect to this bank account?	14:29:06
15	MR. JORDAN:	Objection to foundation.	14:29:09
16	A	I didn't give anyone formal approval or	14:29:12
17		disapproval for using this -- this deposit	14:29:20
18		account.	14:29:22
19	Q	It says here: "Number of signatures	14:29:22
20		required for withdrawal 1," and it lists your	14:29:30
21		signature.	14:29:33
22	A	Is that a question?	14:29:34

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193

1	Q	Does that help refresh your recollection	14:29:40
2		as to whether or not anyone could -- can take	14:29:44
3		action with respect to this bank account other	14:29:46
4		than you?	14:29:48
5	A	No.	14:29:48
6	Q	Do you -- is there anyone that could take	14:29:49
7		action with respect to this bank account other	14:30:00
8		than you?	14:30:02
9	A	I don't know.	14:30:02
10	Q	Do you recall giving anyone permission to	14:30:05
11		take action with respect to this bank account	14:30:12
12		other than you?	14:30:14
13	A	I don't recall giving a formal	14:30:14
14		authorization for anything with this account.	14:30:20
15	Q	Do you recall giving anyone informal	14:30:22
16		permission to take action with respect to this	14:30:25
17		bank account?	14:30:29
18	A	I do not.	14:30:30
19	Q	Did any money from this bank account go	14:30:31
20		to anyone other than you?	14:30:37
21	A	I don't believe any of the money from	14:30:38
22		this account went to me, but I don't know if it	14:30:46

Transcript of Michael R. White
Conducted on December 1, 2021

194

1	went to anyone else.	14:30:50
2	MR. REDD: And just so it's clear, my	14:30:51
3	continuing objection still applies to all these	14:30:59
4	questions that are being asked.	14:31:00
5	THE COURT REPORTER: I'm sorry, Mr. Redd;	14:31:00
6	I can't hear you.	14:31:05
7	MR. REDD: My continuing objection	14:31:05
8	applies to all the questions that are being asked	14:31:08
9	about this document.	14:31:12
10	MR. JORDAN: I -- I believe mine are as	14:31:13
11	well, Stephen; is -- is that correct? I mean, we	14:31:16
12	have that agreement.	14:31:18
13	MR. STERN: I'm acknowledging each of you	14:31:18
14	have a standing objection.	14:31:23
15	MR. JORDAN: Right. I will say that if I	14:31:24
16	could -- if I could object to relevance twice,	14:31:27
17	particularly after we're looking at a certificate	14:31:32
18	deposit account, I would, but I already have a	14:31:35
19	continuing objection.	14:31:40
20	Q I'm going to show you a new exhibit.	14:31:40
21	It's a list of transactions related to the last	14:31:46
22	account we were just looking at.	14:31:49

Transcript of Michael R. White
Conducted on December 1, 2021

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1	MS. YEUNG: Do you want the 2019 list?	14:31:51
2	MR. STERN: Yes. The one that ends with	14:32:06
3	February 12, 2019.	14:32:08
4	THE COURT REPORTER: And this will be	14:32:10
5	Exhibit 23.	14:32:23
6	MR. STERN: Not that one. It's a list of	14:32:25
7	transactions. We'll go back to this one	14:32:29
8	afterwards.	14:32:31
9	MS. YEUNG: Sorry.	14:32:31
10	(White Deposition Exhibit 23 marked for	14:32:31
11	identification and is attached to the transcript.)	14:32:33
12	Q In the upper left-hand corner do you see	14:32:33
13	the account number that we were just looking at?	14:32:46
14	The only signature -- the only signature on the	14:32:50
15	account was yours.	14:32:50
16	Going down to the very bottom, it shows	14:32:52
17	that the account was closed on February 12, 2019.	14:32:56
18	MR. JORDAN: I don't see that, Stephen.	14:32:59
19	MR. STERN: Now it should be visible to	14:33:02
20	everyone.	14:33:12
21	Q And it shows a withdrawal of \$53,158.18.	14:33:12
22	Where did that money go?	14:33:17

Transcript of Michael R. White
Conducted on December 1, 2021

196

1	MR. JORDAN: And can I continue to have	14:33:17
2	my continuing objection as to this exhibit just to	14:33:29
3	make sure?	14:33:31
4	MR. STERN: Again, I'll acknowledge that	14:33:31
5	you've got an objection or you made an objection;	14:33:33
6	not that there's merit to it.	14:33:35
7	MR. REDD: Same objection for me. Same	14:33:38
8	as if I --	14:33:40
9	MR. STERN: Likewise.	14:33:40
10	MR. REDD: Stephen, thank you.	14:33:40
11	A I don't know where those funds went.	14:33:44
12	Q Why was the account closed on February	14:33:48
13	12, 2019?	14:33:59
14	MR. JORDAN: Objection. The document is	14:34:00
15	the best evidence of its terms and it states why	14:34:04
16	it was closed.	14:34:07
17	A I don't know.	14:34:08
18	Q All right. I want to show you a series	14:34:14
19	of checks.	14:34:16
20	(White Deposition Exhibit 24 marked for	14:34:16
21	identification and is attached to the transcript.)	14:34:17
22	MR. STERN: This will be Exhibit -- what	14:34:17

Transcript of Michael R. White
Conducted on December 1, 2021

197

1	is it -- 24? 25?	14:34:32
2	MR. REDD: 24.	14:34:32
3	MR. JORDAN: It's 24.	14:34:32
4	THE COURT REPORTER: Exhibit 24.	14:34:35
5	Q In particular -- so this is a bunch of	14:34:35
6	checks that purport to be from a Compass Marketing	14:34:39
7	account with the address listed on the checking	14:34:44
8	account as 222 Severn Avenue, Building 14, Suite	14:34:46
9	200, Annapolis, Maryland 21403.	14:34:52
10	In particular I'm going to direct your	14:34:54
11	attention to Check No. 1160. Same date as the	14:35:00
12	closing of that other account, February 12, 2019,	14:35:04
13	shows a check made payable to the order of Michael	14:35:09
14	R. White to the amount -- in the amount of	14:35:12
15	\$200,000. This is from County First Bank in	14:35:15
16	Waldorf, Maryland. Is that your signature on that	14:35:21
17	check?	14:35:23
18	A I don't know.	14:35:23
19	MR. JORDAN: And can I have -- do we	14:35:25
20	still have a continuing objection to this line?	14:35:29
21	MR. STERN: Yes. Acknowledged that the	14:35:32
22	objection has been made; not the merit of it.	14:35:35

Transcript of Michael R. White
Conducted on December 1, 2021

198

1	MR. REDD: This is Justin Redd. I'm	14:35:37
2	assuming that it's continuing until we stop it, if	14:35:43
3	that's okay.	14:35:49
4	MR. STERN: I will agree to that as well.	14:35:49
5	MR. JORDAN: Do you agree to that with	14:35:51
6	me, Stephen?	14:35:53
7	MR. STERN: Likewise.	14:35:53
8	MR. JORDAN: Thank you.	14:35:54
9	Q Mr. White, is that your signature?	14:35:59
10	A I don't know.	14:36:01
11	Q Did you write a check to yourself for the	14:36:04
12	amount of -- in the amount of \$200,000 on February	14:36:07
13	12, 2019?	14:36:10
14	A I don't know.	14:36:10
15	Q On the back of the check it shows an	14:36:13
16	endorsement dated February 14, 2019. Is that your	14:36:17
17	signature endorsing the check?	14:36:20
18	A Don't know.	14:36:23
19	Q Did you -- why would you have -- why	14:36:24
20	would there be a check to you in the amount of	14:36:31
21	\$200,000 dated February 12, 2019?	14:36:33
22	A I don't know.	14:36:35

Transcript of Michael R. White
Conducted on December 1, 2021

199

1	Q	Did John White and/or Dan White approve	14:36:41
2		this check to be written to you?	14:36:48
3	A	I don't know.	14:36:49
4	Q	What about the check to the left of it,	14:36:51
5		Check No. 1165, made payable to American Express	14:37:04
6		in the amount of \$6,258.23 -- 26 cents dated	14:37:10
7		February 13, 2019. Do you see that?	14:37:15
8	A	I see it on the screen, yes.	14:37:20
9	Q	Was that check written after you were	14:37:22
10		locked out -- was that check written after you	14:37:22
11		claim you were locked out of Compass Marketing?	14:37:29
12	A	I don't know.	14:37:30
13	Q	Do you remember what date you claim you	14:37:30
14		were locked out of Compass Marketing?	14:37:36
15	A	There was not a specific date. I was	14:37:37
16		locked out of different things on different days.	14:37:46
17	Q	What about the check above it, Check No.	14:37:48
18		1180 for \$20,000 made payable to you, signed by	14:38:00
19		you; did you write that check?	14:38:06
20	A	Don't know.	14:38:08
21	Q	Is that your signature?	14:38:11
22	A	Don't know.	14:38:12

Transcript of Michael R. White
Conducted on December 1, 2021

200

1	Q	That check, you don't remember writing or	14:38:14
2		cashing the check dated July 10, 2019, in the	14:38:34
3		amount of \$20,000?	14:38:39
4	A	Repeat the question, please.	14:38:40
5	MR. STERN:	Someone's got -- has got	14:38:45
6		something on where I keep hearing a loud	14:38:47
7		reverberation.	14:38:50
8	THE COURT REPORTER:	I'm hearing it also.	14:38:50
9	MR. JORDAN:	I don't know what it is. I	14:38:55
10		haven't turned anything on or off since we	14:38:58
11		started.	14:39:01
12	VIDEO TECHNICIAN:	I think it could be	14:39:01
13		coming from the phone line that the witness is on.	14:39:10
14		I'm not positive.	14:39:13
15	MR. STERN:	Okay. Hopefully that's	14:39:13
16		not -- hopefully it will stop because we haven't	14:39:15
17		had that issue up until now.	14:39:15
18		Can you repeat my question, Madam Court	14:39:15
19		Reporter.	14:39:15
20		(The pending question was read.)	14:39:15
21	A	I don't know if that is a check that I	14:39:15
22		wrote or not.	14:39:35

Transcript of Michael R. White
Conducted on December 1, 2021

201

1	Q	In the memo it says LTC. Does that help	14:39:36
2		you remember what it might be related to?	14:39:43
3	A	I know what LTC means.	14:39:46
4	Q	What does LTC mean?	14:39:56
5	A	Loan to company.	14:39:58
6	Q	Are you -- so would this be a check that	14:40:01
7		you claim was a payment back from the company for	14:40:07
8		a loan you made to the company?	14:40:09
9	A	I don't know.	14:40:10
10	Q	Do you recall writing the checks to	14:40:12
11		American Express in May of 2019?	14:40:21
12	A	I recall writing checks to American	14:40:23
13		Express, but I don't remember the dates.	14:40:27
14	Q	Why would you write checks to American	14:40:29
15		Express?	14:40:33
16	A	To pay the bills.	14:40:33
17	Q	Was this check, No. 1165, the American	14:40:38
18		Express bill for which credit card or credit	14:40:45
19		cards?	14:40:52
20	A	I don't know.	14:40:52
21	Q	Did you have your own American Express	14:40:52
22		credit card?	14:40:56

Transcript of Michael R. White
Conducted on December 1, 2021

202

1	MR. JORDAN: Objection; time frame.	14:40:56
2	Q In May 2019.	14:40:59
3	A I had an American Express credit card in	14:41:01
4	May of 2019, yes.	14:41:09
5	Q Was it for the company or you personally	14:41:10
6	or both?	14:41:12
7	A I had an American Express card as the	14:41:13
8	owner of Compass Marketing in the name of Compass	14:41:25
9	Marketing.	14:41:27
10	Q And so that credit card was supposed to	14:41:27
11	be used for business purposes?	14:41:33
12	A I -- I don't know.	14:41:35
13	Q Why would you have a credit card in	14:41:35
14	Compass Marketing's name for -- why would you have	14:41:45
15	a credit card in Compass Marketing's name?	14:41:48
16	A Because I was an owner of Compass	14:41:50
17	Marketing and I paid a lot of bills with the	14:41:59
18	American Express card.	14:42:02
19	Q Was that credit card used only for	14:42:02
20	Compass Marketing purposes?	14:42:04
21	A Probably not, but I don't know for sure.	14:42:04
22	Q Did --	14:42:13

Transcript of Michael R. White
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203

1	MR. STERN: Heather, you can take that	14:42:13
2	exhibit down. Thank you.	14:42:28
3	Q Did your wife work for Compass Marketing	14:42:29
4	at any point in time?	14:42:35
5	MR. REDD: (Indiscernible).	14:42:36
6	MR. JORDAN: I don't need to restate my	14:42:36
7	continuing objection; right?	14:42:41
8	MR. STERN: It's fine. I'll acknowledge	14:42:42
9	that the objection is made; not that it's merited.	14:42:44
10	And, Justin, I will go ahead and offer	14:42:50
11	that up to you, too.	14:42:52
12	MR. REDD: This is Justin. I was asking	14:42:53
13	whether we were going to be in a similar line of	14:42:54
14	questioning or whether we were moving to something	14:42:57
15	else.	14:42:59
16	MR. STERN: So I'm just asking...	14:43:00
17	Q The question is, Mr. White, did your wife	14:43:02
18	work for Compass Marketing at any point in time?	14:43:04
19	A Yes.	14:43:07
20	Q When did she start working for Compass	14:43:09
21	Marketing?	14:43:15
22	A About 1998.	14:43:15

Transcript of Michael R. White
Conducted on December 1, 2021

204

1	Q	And when -- is she still working for	14:43:21
2		Compass Marketing?	14:43:26
3	A	She has never been terminated.	14:43:26
4	Q	Is she still working for Compass	14:43:31
5		Marketing?	14:43:33
6	A	She's never been terminated.	14:43:33
7	Q	That's not my question.	14:43:37
8	A	That's my answer.	14:43:39
9	Q	Has she resigned from Compass Marketing?	14:43:41
10	A	I don't know.	14:43:45
11	Q	Was she issued a Compass Marketing e-mail	14:43:45
12		address?	14:43:54
13	A	Yes.	14:43:54
14	Q	What duties did she perform for Compass	14:43:54
15		Marketing?	14:44:01
16	MR. JORDAN:	Stephen, can you indicate in	14:44:05
17		some small fashion what this has to do with David	14:44:07
18		Boshea and his lawsuit? Because even if --	14:44:13
19	MR. STERN:	Those two --	14:44:13
20	MR. JORDAN:	Even if you're trying to	14:44:14
21		show bias or -- or motivation or whatever, at some	14:44:15
22		point the Court will cut you off. And so, you	14:44:19

Transcript of Michael R. White
Conducted on December 1, 2021

205

1	know, tell me other than -- other than your	14:44:24
2	motivation ideal, what is the -- what does this	14:44:26
3	have to do with David Boshea for the price of tea	14:44:31
4	in China?	14:44:34
5	MR. STERN: Mr. White, will you step out	14:44:35
6	of the room for a moment, please.	14:44:38
7	VIDEO TECHNICIAN: As he does, if Heather	14:44:47
8	could mute her microphone. It's possibly hers.	14:44:50
9	(Mr. White left the room.)	14:44:53
10	MR. REDD: For the record, I agree with	14:44:53
11	Greg. I'm trying to let you explore areas that,	14:45:01
12	you know, the Court clearly hasn't foreclosed,	14:45:08
13	but, yeah, there's no connection. The continuing	14:45:10
14	objection still stands. I -- you're not	14:45:12
15	acknowledging that you agree with it, of course,	14:45:16
16	but, yeah, we'll...	14:45:19
17	MR. STERN: So Compass Marketing contends	14:45:19
18	there's been a pattern of practiced behavior by	14:45:25
19	Mr. Michael White and Dan White to find different	14:45:29
20	avenues to extract money from this company to	14:45:34
21	themselves and to other individuals that was not	14:45:36
22	properly earned or owed, including to their wives.	14:45:40

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Conducted on December 1, 2021

206

1 And it would be part and parcel of the same 14:45:45
2 pattern and practice and misconduct as they are 14:45:48
3 trying to do the same here to Mr. Boshea, where 14:45:51
4 they're trying to help him come up with a false 14:45:54
5 and fraudulent severance agreement that doesn't 14:45:57
6 exist to try to extract money from the company in 14:46:01
7 their effort to do harm to the company. 14:46:04

8 That's -- 14:46:12

9 MR. JORDAN: That's irrelevant. 14:46:12

10 MR. STERN: -- my relevance argument, and 14:46:14

11 if you want to take it up with the Court, you can. 14:46:14

12 That's the basis and reason for my questions. Mr. 14:46:17

13 White's wife was never properly authorized to work 14:46:18

14 for the company. It's my understanding she never 14:46:21

15 actually performed any duties for the company. 14:46:24

16 MR. JORDAN: Even -- even if that were 14:46:25

17 true and even if Daniel White and Michael White 14:46:29

18 decided to put Michael White's wife on the 14:46:32

19 payroll, that has nothing to do with David Boshea 14:46:35

20 and his severance agreement. 14:46:38

21 MR. STERN: Well, I'm going to move -- 14:46:38

22 MR. JORDAN: It's not -- you can't -- you 14:46:40

Transcript of Michael R. White
Conducted on December 1, 2021

207

1	can't link that, that something that happened ten	14:46:42
2	years later has anything to do with what happened	14:46:44
3	in 2007. And, I mean, I don't even buy it --	14:46:48
4	MR. STERN: According to Mr. White --	14:46:48
5	MR. JORDAN: -- because you already had	14:46:53
6	John Adams, who had a -- had a severance agreement	14:46:53
7	at the same time as David Boshea. So --	14:46:56
8	MR. STERN: According to Mr. White, it's	14:46:56
9	--	14:46:56
10	MR. JORDAN: -- I don't understand the	14:47:00
11	relevance of this at all. It is too far from the	14:47:01
12	events in question to have anything to do with	14:47:05
13	what happened with David Boshea, even assuming	14:47:08
14	your assumption is somehow in 2007 they created	14:47:12
15	this document with David Boshea, ten years later	14:47:15
16	they hired, wrongfully hired, Michael White's	14:47:18
17	wife. Big deal. I don't care and the Court	14:47:21
18	doesn't care. You're not going to be able to make	14:47:24
19	that connection.	14:47:26
20	MR. STERN: I disagree with you.	14:47:26
21	Can we bring Mr. White back in?	14:47:30
22	MR. REDD: Yeah, for the record, I agree	14:47:32

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208

1	with and join in what Mr. Jordan said. Let the	14:47:34
2	questions go about background and who worked at	14:47:39
3	the company. And that's -- it seems okay even if	14:47:44
4	it's not really relevant, but this is clearly to	14:47:47
5	try to gain some kind of information to support an	14:47:54
6	unwarranted suspicion for use in other proceedings	14:47:59
7	besides this when there's no connection to this	14:48:02
8	case whatsoever. So I'll listen to the next	14:48:05
9	questions you have, but that's my position.	14:48:09
10	(Mr. White entered the room.)	14:48:13
11	BY MR. STERN:	14:48:14
12	Q Mr. White, what job duties did your wife	14:48:14
13	perform for the company?	14:48:39
14	MR. JORDAN: I have my continuing	14:48:41
15	objection so I'm not going to object. I'm not	14:48:42
16	going to restart a new objection.	14:48:48
17	MR. STERN: Thank you.	14:48:50
18	A She performed administrative duties for	14:48:51
19	me and several other jobs.	14:48:55
20	Q Did she perform those duties in the	14:48:58
21	company's office in Annapolis, Maryland?	14:49:01
22	A No.	14:49:03

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209

1	Q	Did she report to anyone other than you?	14:49:05
2	A	No.	14:49:09
3	Q	Did Daniel White's wife work for the	14:49:12
4		company as well?	14:49:24
5	A	I didn't hear your -- your question.	14:49:24
6	Q	Did Daniel White's wife work for the	14:49:27
7		company as well?	14:49:31
8	A	Yes.	14:49:31
9	Q	From when until when?	14:49:31
10	A	Don't know.	14:49:35
11	Q	What duties did she perform for the	14:49:39
12		company?	14:49:45
13	A	An administrative duty assigned by Daniel	14:49:45
14		White.	14:49:50
15	Q	Did you inform John White about your wife	14:49:50
16		performing duties for the company?	14:49:59
17	A	No.	14:50:00
18	Q	Do you know whether John White was	14:50:08
19		advised that Daniel White's wife was performing	14:50:19
20		duties for the company?	14:50:21
21	A	I do not know.	14:50:22
22	Q	How much did your wife make on an	14:50:24

Transcript of Michael R. White
Conducted on December 1, 2021

210

1	annualized basis for the administrative duties she	14:50:31
2	was performing?	14:50:35
3	A Don't know.	14:50:35
4	Q Do you know whether it was more or less	14:50:38
5	than a hundred thousand dollars?	14:50:42
6	A Don't know.	14:50:43
7	Q Who's the person that was responsible for	14:50:45
8	processing payroll for the company up until	14:50:54
9	November 2018?	14:50:57
10	A What's the starting date?	14:50:58
11	Q Let's go each year. In 2018 who was the	14:51:06
12	person responsible for processing payroll?	14:51:12
13	A I was.	14:51:14
14	Q In 2017 who was the person responsible	14:51:16
15	for processing payroll?	14:51:19
16	A I was.	14:51:20
17	Q In 2016 who was the person responsible	14:51:22
18	for processing payroll?	14:51:25
19	A I was.	14:51:26
20	Q In 2015 who was the person responsible	14:51:28
21	for processing payroll?	14:51:31
22	A I was.	14:51:33

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1	Q	In 2015 who was the person responsible	14:51:34
2		for processing payroll?	14:51:40
3	A	I was.	14:51:41
4	Q	In 2014 who was the person responsible	14:51:42
5		for processing payroll?	14:51:45
6	A	I was.	14:51:46
7	Q	2013?	14:51:48
8	A	I believe I was.	14:51:49
9	Q	What about 2012; who was the person	14:51:55
10		responsible for processing payroll?	14:51:59
11	A	I believe I was.	14:52:01
12	Q	In 2011 who was the person responsible	14:52:02
13		for processing payroll?	14:52:07
14	A	I believe I was.	14:52:08
15	Q	2010?	14:52:09
16	A	I believe I was.	14:52:11
17	Q	What about from 2005 to 2009?	14:52:17
18	A	I believe I was.	14:52:22
19	Q	What about prior to 2005?	14:52:23
20	A	I don't know for sure.	14:52:25
21	Q	Okay. So did you continue to process	14:52:33
22		payroll in 2019?	14:52:51

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1	A	Part of it.	14:52:52
2	Q	How much was Debra paid in 2019?	14:52:54
3	A	Don't know.	14:53:00
4	Q	I want to show you some other documents.	14:53:02
5	MR. STERN:	Heather, this is going to be	14:53:15
6		the Virginia annual report filings. We're going	14:53:18
7		to start back with 2000 and -- let's do the	14:53:22
8		Virginia filing dated February 29, 2008.	14:53:29
9	MR. JORDAN:	Can I have the continuing	14:53:33
10		objection to the relevance of the registered agent	14:54:08
11		filings, Stephen?	14:54:12
12	MR. STERN:	These are not registered	14:54:12
13		agent filings.	14:54:14
14	MR. JORDAN:	What are they?	14:54:14
15	MR. STERN:	These are State Corporation	14:54:16
16		Commission filings.	14:54:17
17	MR. JORDAN:	Okay. Can I have a	14:54:18
18		continuing objection to the State Commission	14:54:20
19		registration filings?	14:54:23
20	MR. STERN:	I'll acknowledge you've made	14:54:24
21		an objection. I will not agree that it's merited.	14:54:27
22	MR. JORDAN:	And the objection is	14:54:30

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1	relevance, just to be clear on the record.	14:54:32
2	MR. STERN: Understood.	14:54:33
3	What exhibit number are we up to, Madam	14:54:33
4	Court Reporter?	14:54:37
5	MR. REDD: And a continuing objection for	14:54:37
6	the reasons I previously stated. Sorry.	14:54:41
7	MR. STERN: Thank you. I will	14:54:42
8	acknowledge the same thing for Mr. Redd.	14:54:44
9	THE COURT REPORTER: And this will be	14:54:45
10	Exhibit 25.	14:54:53
11	MS. YEUNG: 25, yes.	14:54:53
12	(White Deposition Exhibit 25 marked for	14:54:53
13	identification and is attached to the transcript.)	14:54:53
14	Q Mr. White, I'm showing you what's been	14:54:53
15	marked as -- or will be marked as Exhibit 25.	14:54:55
16	It's a Virginia Commonwealth State Corporation	14:54:57
17	Commission filing dated -- well, it says due date	14:54:59
18	2/29/2008. It looks like it's signed on January	14:55:02
19	15, 2008. Is that your signature?	14:55:07
20	A I don't know.	14:55:10
21	Q Does that look like your signature?	14:55:11
22	A It appears to be my signature.	14:55:16

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1	Q	Were you the person responsible for	14:55:17
2		filling out these State Corporation Commission	14:55:20
3		filings in 2008?	14:55:23
4	A	I don't know if I was responsible for	14:55:24
5		doing it, but I did it.	14:55:31
6	Q	Okay. So you did file this form with the	14:55:32
7		State of Virginia -- I'm sorry -- the Commonwealth	14:55:37
8		of Virginia in 2008; correct?	14:55:39
9	A	I filed a form similar to this one in	14:55:42
10		2008.	14:55:47
11	Q	What is different between this form that	14:55:47
12		you're looking at right now and the one that you	14:55:52
13		filed in 2008?	14:55:53
14	A	Don't know.	14:55:54
15	Q	Does this form list 222 Severn Avenue,	14:55:56
16		Building 14, Suite 200, Annapolis, Maryland 21403	14:56:04
17		as the company's address?	14:56:08
18	A	No. I think it -- I think it lists it as	14:56:09
19		612 Third Street, Suite 200, I believe.	14:56:20
20	Q	Isn't that crossed off and handwritten in	14:56:24
21		as 222 Severn Avenue?	14:56:27
22	A	It is crossed off --	14:56:27

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215

1	MR. JORDAN: Is Heather going to be	14:56:27
2	sharing this document with us by e-mail?	14:56:40
3	MR. STERN: Yes.	14:56:42
4	MS. YEUNG: Yes. I'm sorry; I need to	14:56:42
5	extract it from this particular pdf and can't do	14:56:47
6	it while we're viewing it.	14:56:51
7	A There is a section where that address is	14:56:51
8	crossed out and 222 Severn Avenue is written in,	14:56:55
9	yes.	14:56:58
10	Q And next to that -- and that's listed	14:56:58
11	where the -- and where it's crossed off, that's	14:57:00
12	under John White's name and to the right of that	14:57:03
13	is a separate box where it lists your name, title	14:57:06
14	VP of operations, and it lists the same 222 Severn	14:57:11
15	Avenue, Building -- Suite 200, Annapolis, Maryland	14:57:14
16	address; correct?	14:57:18
17	A That's what it says, yes.	14:57:19
18	Q Why does this document list this	14:57:20
19	Annapolis, Maryland, address as the company's	14:57:24
20	address, but the bank cards we looked at list your	14:57:27
21	home address as the company's address?	14:57:32
22	A I -- I don't know why they're different	14:57:33

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1 other than that the address we used for this form 14:57:38
2 and the Mechanicsville address is the form -- is 14:57:43
3 the address we use for bank records and 401K and 14:57:48
4 payroll. 14:57:54
5 Q John White was aware that you were using 14:57:54
6 your home address for bank rec -- bank accounts, 14:57:59
7 401K, and those other accounts that you 14:58:05
8 identified? 14:58:07
9 MR. REDD: Objection to form to the 14:58:07
10 extent -- 14:58:07
11 MR. JORDAN: Objection; calls for 14:58:07
12 speculation. 14:58:09
13 THE COURT REPORTER: I'm sorry; I didn't 14:58:09
14 hear anybody other than Mr. Jordan. 14:58:14
15 MR. REDD: My objection is also to the 14:58:19
16 form of the question to the extent that the 14:58:20
17 continuing objection did not already cover that. 14:58:25
18 Go ahead. 14:58:28
19 A I don't know what John White knew or 14:58:28
20 didn't know. 14:58:30
21 Q Did you typically list the Annapolis, 14:58:30
22 Maryland, address on these Virginia State 14:58:40

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1	Corporation Commission filings?	14:58:44
2	MR. REDD: Objection to form again.	14:58:44
3	A I -- I believe so, but I don't know for	14:58:48
4	sure.	14:58:57
5	MR. STERN: Why don't we go with -- why	14:58:57
6	don't we show a different one dated -- due date	14:59:00
7	February 27, 2009, signed 12/29/08.	14:59:03
8	MR. JORDAN: Stephen, when there's a good	14:59:07
9	time to break, it might be a good idea because	14:59:24
10	we're at the -- getting on top of an hour and	14:59:28
11	we've been going for a while.	14:59:29
12	MR. STERN: Fair enough. Why don't we --	14:59:30
13	why don't we take a short break. I'm -- why don't	14:59:32
14	we go off the record now and we'll -- we'll resume	14:59:34
15	in ten minutes.	14:59:36
16	MR. JORDAN: Okay.	14:59:37
17	VIDEO TECHNICIAN: The time is 2:59 p.m.	14:59:38
18	We are off the record.	14:59:41
19	(A recess was taken.)	14:59:42
20	(White Deposition Exhibit 26 marked for	14:59:42
21	identification and is attached to the transcript.)	15:12:21
22	VIDEO TECHNICIAN: We are on the record	15:12:21

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218

1	at 3:12 p.m.	15:12:26
2	MR. STERN: Oh, I'm sorry; we're back on	15:12:28
3	now?	15:12:30
4	VIDEO TECHNICIAN: Yes.	15:12:30
5	MR. STERN: All right. I think when we	15:12:31
6	last left off, we were going to be referring to a	15:12:34
7	new exhibit. It was Exhibit 26, Madam Court	15:12:40
8	Reporter, I think it is?	15:12:40
9	THE COURT REPORTER: Correct.	15:12:40
10	MR. STERN: The State Corporation	15:12:41
11	Commission filing due 2/27/09, signed 12/29/08.	15:12:42
12	MR. REDD: I restate my continuing	15:12:47
13	objection.	15:12:55
14	MR. JORDAN: Is this Exhibit 26?	
15	THE COURT REPORTER: It is.	
16	MR. REDD: I restate the continuing	
17	objection.	
18	BY MR. STERN:	
19	Q Mr. White --	
20	MR. STERN: I acknowledge that you have	15:12:59
21	made the objection; not the merit of it.	15:13:01
22	MR. JORDAN: I -- we have -- already have	15:13:03

Transcript of Michael R. White
Conducted on December 1, 2021

219

1	a continuing objection on this line, don't we,	15:13:06
2	Stephen?	15:13:08
3	MR. STERN: Yes. Just --	15:13:08
4	MR. JORDAN: And I don't expect that	15:13:09
5	you're accepting my objection, just -- it's just	15:13:11
6	noted on the record.	15:13:13
7	MR. STERN: Understood. Thank you. I	15:13:13
8	just -- when I acknowledge, I just want to be	15:13:16
9	clear what I'm acknowledging, that's all. Thank	15:13:19
10	you.	15:13:22
11	BY MR. STERN:	15:13:23
12	Q Mr. White, did you submit this --	15:13:23
13	A Yes, sir.	15:13:23
14	Q -- report to the State Corporation	15:13:27
15	Commission on behalf of Compass Marketing?	15:13:31
16	A I don't know. I have no reason to	15:13:32
17	believe I didn't, but I don't know.	15:13:38
18	Q Is that your signature at the bottom of	15:13:40
19	the document?	15:13:42
20	A Don't know.	15:13:42
21	Q Does it look like your signature?	15:13:44
22	A It appears to be my signature.	15:13:46

Transcript of Michael R. White
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220

1	Q	And this document is dated 12/29/08 and	15:13:48
2		it lists the Compass Marketing address as 222	15:13:54
3		Severn Avenue, Building 14, Suite 200, Annapolis,	15:13:59
4		Maryland 21403?	15:14:03
5	A	It does.	15:14:03
6	Q	But that's not the address that was	15:14:05
7		listed on those signature cards?	15:14:10
8	A	Which signature cards?	15:14:11
9	Q	The signature cards of the County First	15:14:13
10		Bank that we referred to earlier.	15:14:17
11	A	I don't think that's the same address,	15:14:19
12		no.	15:14:22
13	Q	All right.	15:14:22
14		MR. STERN: Now let's go to the filing	15:14:25
15		dated May 6, 2020.	15:14:38
16	Q	Did you submit this report to the	15:14:41
17		Virginia State Corporation Commission?	15:14:59
18	A	I -- I don't know. I have no reason to	15:14:59
19		doubt it, but I don't know.	15:15:07
20		(White Deposition Exhibit 27 marked for	15:15:07
21		identification and is attached to the transcript.)	15:15:07
22		MR. STERN: Can you scroll to the bottom,	15:15:12

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221

1	Heather.	15:15:14
2	Q Does it reflect your name as the one at	15:15:17
3	the bottom having submitted it?	15:15:19
4	A It reflects my name as the printed name,	15:15:21
5	the signature name, and the title.	15:15:24
6	Q And dated May 6, 2020?	15:15:25
7	A Yes, yes, May 6, 2020.	15:15:30
8	Q And it lists the principal address of the	15:15:39
9	company at 222 Severn Avenue, Suite 200,	15:15:44
10	Annapolis, Maryland 21403?	15:15:50
11	A It does.	15:15:52
12	Q And did you submit this form to the State	15:15:52
13	Corporation Commission?	15:15:59
14	A I don't know.	15:15:59
15	Q Do you deny submitting this form to the	15:16:01
16	State Corporation Commission?	15:16:05
17	A I do not.	15:16:05
18	Q Why were you submitting a form on behalf	15:16:08
19	of the company in May 2020?	15:16:14
20	MR. REDD: Objection in addition to the	15:16:17
21	continuing objection; form.	15:16:25
22	A I don't know that I did.	15:16:25

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222

1	Q	You're not denying that you did either?	15:16:33
2	A	I am not.	15:16:38
3	Q	Do you know who else would have submitted	15:16:39
4		this form on behalf of the company other than you?	15:16:44
5	A	I do not.	15:16:46
6	Q	In the section it's a blue high -- it's	15:16:48
7		about two-thirds of the way down you see a section	15:16:54
8		that says "Title," "Director," "Name," "Address"?	15:16:57
9	A	I do.	15:16:59
10	Q	Is that section accurate?	15:17:04
11	A	I don't think it is a hundred percent	15:17:08
12		accurate, no.	15:17:26
13	Q	What's inaccurate about this document?	15:17:26
14	A	It appears to me not to list John David	15:17:28
15		White as an owner.	15:17:40
16	Q	But as of May 6, 2020, John David White	15:17:41
17		was an owner of Compass Marketing?	15:17:45
18	A	To the best of my knowledge.	15:17:47
19	Q	All right.	15:17:51
20		MR. STERN: And then take that one down.	15:17:57
21		I think we're up to -- the next one will be 28?	15:18:02
22		THE COURT REPORTER: That's correct.	15:18:03

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223

1	MS. YEUNG: Do you have another one you	15:18:05
2	would like to put up?	15:18:42
3	MR. STERN: Yeah, the one that's -- oh,	15:18:43
4	I'm sorry; May -- February 14, 2021.	15:18:44
5	(White Deposition Exhibit 28 marked for	15:18:44
6	identification and is attached to the transcript.)	15:18:47
7	Q This is in similar form. And this one	15:18:47
8	appears to have been submitted by your brother	15:19:02
9	Daniel White. Do you see his name at the bottom	15:19:05
10	there?	15:19:07
11	A The printed name on the bottom is Daniel	15:19:07
12	Joseph White, the signature line is Daniel Joseph	15:19:16
13	White, and the title is owner.	15:19:20
14	Q And then it lists the company address as	15:19:21
15	your home address?	15:19:28
16	A It does.	15:19:28
17	Q In the section "Title," "Director,"	15:19:36
18	"Name," "Address," is that section accurate?	15:19:41
19	A It only lists two names, but of what it	15:19:45
20	lists I think is accurate.	15:20:03
21	Q So as of February 14, 2021, you	15:20:04
22	acknowledge that you and Daniel were no longer	15:20:10

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224

1	directors of the company?	15:20:13
2	A I'm not acknowledging that, no. I'm	15:20:13
3	reading that form that you put up on the screen.	15:20:18
4	Q Well, what was it -- what's inaccurate	15:20:20
5	about that section?	15:20:23
6	A It contains two -- two -- two members of	15:20:24
7	the ownership group of Compass Marketing and I	15:20:36
8	believe there are three.	15:20:40
9	Q And who do you believe is the third owner	15:20:41
10	that's not listed there?	15:20:46
11	A I believe it's John White.	15:20:47
12	Q Besides the omission of John White, is	15:20:49
13	there anything else that's inaccurate about this	15:20:54
14	document?	15:20:56
15	MR. REDD: Object to form.	15:20:56
16	A The entire document or?	15:20:56
17	MR. REDD: Yeah.	15:20:56
18	A Are you asking about the entire document	15:21:02
19	or that section we've just been discussing?	15:21:03
20	Q Let's focus on that section for the	15:21:05
21	moment.	15:21:08
22	A The section that has a bar across it,	15:21:08

Transcript of Michael R. White
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225

1 "Title," "Director," "Name," "Address," as far as 15:21:13
2 I can tell, that is accurate. As far as I can 15:21:17
3 tell. 15:21:22
4 Q Okay. And in that section -- 15:21:22
5 A Except -- except, like I said, I believe 15:21:26
6 there are three owners of Compass Marketing, John 15:21:29
7 White being the third, and his name is not listed 15:21:33
8 in that block. 15:21:36
9 Q Okay. As far as the company's mailing 15:21:36
10 address up there, is that an accurate listing of 15:21:44
11 the company's mailing address, Mechanicsville, 15:21:46
12 Maryland? 15:21:51
13 A I believe that's one of their mailing 15:21:51
14 addresses, yes. 15:21:54
15 Q It says principal address; correct? 15:21:55
16 A Did you say does it say principal 15:21:58
17 address? 15:22:03
18 Q Yeah, it lists the principal address as 15:22:03
19 Mechanicsville; is that correct? 15:22:07
20 A I can't read the part where it says 15:22:08
21 principal and -- and I don't think we have a 15:22:11
22 principal address. But it does list the 15:22:14

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226

1	Mechanicsville, Maryland, address.	15:22:20
2	Q So how do you decide what to identify as	15:22:21
3	the principal address if there isn't one?	15:22:26
4	A I don't.	15:22:29
5	Q And so you maintain as of -- what's the	15:22:30
6	date of this? -- May -- or February 2021 one of	15:22:41
7	the principal addresses of the company was your	15:22:47
8	Mechanicsville address?	15:22:53
9	A One of the addresses of Compass Marketing	15:22:53
10	was the Mechanicsville address.	15:22:56
11	Q This says "Principal Office Address."	15:22:56
12	A I -- I can't read what kind of address it	15:23:02
13	is; however, I am not saying that one address is a	15:23:06
14	principal above the other two. But Mechanicsville	15:23:12
15	address is one of the addresses of Compass	15:23:17
16	Marketing.	15:23:19
17	Q All right. Then I want to go to a new --	15:23:19
18	I want to go to an e-mail dated November 2, 2020.	15:23:36
19	MS. YEUNG: Just give me one moment.	15:23:40
20	(White Deposition Exhibit 29 marked for	15:23:40
21	identification and is attached to the transcript.)	15:24:01
22	Q Do you see this e-mail from Google	15:24:01

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227

1	Payments to mwhite@compassmarketinginc.com dated	15:24:29
2	November 2, 2020, at 11:31 a.m.?	15:24:34
3	A I see the item you have up on the screen,	15:24:37
4	yes.	15:24:42
5	Q And in there it says "Google Workspace"	15:24:42
6	--	15:24:45
7	MR. REDD: I'm going to insert the	15:24:45
8	continuing objection again. Sorry to interrupt.	15:24:47
9	Continuing objection still.	15:24:50
10	Q It says: "Google Workspace. Your	15:24:51
11	financial institution declined payment from your	15:24:55
12	MasterCard" ending in "5362 associated with the	15:24:58
13	Google Workspace account for	15:24:58
14	compassmarketinginc.com on Nov 2, 2020." Have you	15:25:04
15	--	15:25:04
16	A Ask the question again, please.	15:25:04
17	Q Have you been paying to maintain the	15:25:11
18	compassmarketinginc.com e-mail address?	15:25:15
19	A No.	15:25:16
20	Q Have you been receiving the e-mail -- the	15:25:19
21	e-mails to this e-mail account to maintain the	15:25:23
22	compassmarketinginc.com account?	15:25:25

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1	A	No.	15:25:25
2	Q	Do you know who has been receiving	15:25:30
3		e-mails to maintain the compassmarketinginc.com	15:25:34
4		account?	15:25:39
5	A	No.	15:25:39
6	Q	Do you have a son named George?	15:25:40
7	A	I do.	15:25:45
8	Q	Do you know if George has been paying to	15:25:46
9		maintain the compassmarketinginc.com e-mail	15:25:50
10		account?	15:25:54
11	A	Not that I'm aware of.	15:25:54
12	Q	Do you know -- do you have a MasterCard	15:25:55
13		credit card with the last four digits ending in	15:25:59
14		5362?	15:26:04
15	A	I don't know.	15:26:04
16	Q	Does George have a credit card,	15:26:04
17		MasterCard credit card, with the last four digits	15:26:09
18		ending in 5362?	15:26:12
19	A	I don't know.	15:26:14
20	Q	Have you asked George to maintain the	15:26:14
21		compassmarketinginc.com e-mail account?	15:26:21
22	A	No.	15:26:21

Transcript of Michael R. White
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1	Q	Have you asked him to pay any bills for	15:26:23
2		the compassmarketinginc.com e-mail account?	15:26:26
3	A	No.	15:26:29
4	Q	Prior to today have you seen this e-mail	15:26:30
5		that's now up on the screen that's Exhibit --	15:26:40
6		MR. STERN: I forgot the number. Is it	15:26:43
7		29?	15:26:46
8		THE COURT REPORTER: 29.	15:26:46
9	A	I don't think I have seen this e-mail. I	15:26:47
10		don't think so.	15:26:54
11	Q	Is George able to access e-mails to your	15:26:54
12		mwhite@compassmarketinginc.com e-mail account?	15:27:11
13		MR. REDD: Object to form.	15:27:11
14		You can answer.	15:27:13
15	A	Not that I'm aware of.	15:27:13
16		MR. JORDAN: Objection; speculation.	15:27:13
17		THE COURT REPORTER: I'm sorry, Mr.	15:27:13
18		White; did you answer?	15:27:19
19		THE WITNESS: I did. Not that I'm aware	15:27:21
20		of; sorry.	15:27:22
21		THE COURT REPORTER: Thank you.	15:27:22
22	Q	All right.	15:27:22

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Conducted on December 1, 2021

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1	MR. STERN: Let's go to another e-mail	15:27:26
2	dated January 1, 2021. This is also an e-mail	15:27:30
3	from Google Payments to	15:27:43
4	mwhite@compassmarketinginc.com.	15:27:43
5	Q Did you receive this e-mail?	15:27:51
6	A I do not believe so, no.	15:27:52
7	Q Prior to today have you seen this e-mail?	15:27:55
8	A I don't think so, no.	15:27:58
9	MR. STERN: Then let me just clarify.	15:28:05
10	This will be Exhibit I guess 30 for the	15:28:06
11	deposition.	15:28:08
12	THE COURT REPORTER: Correct.	15:28:08
13	(White Deposition Exhibit 30 marked for	15:28:08
14	identification and is attached to the transcript.)	15:28:10
15	Q Did you pay the invoice that's noted on	15:28:10
16	this e-mail?	15:28:16
17	A I don't think so, no.	15:28:16
18	Q Do you know who paid the invoice noted on	15:28:23
19	this e-mail?	15:28:29
20	A I do not.	15:28:29
21	MR. STERN: Just give me one -- I'm going	15:28:32
22	to -- hold on one second.	15:28:37

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1	All right. At this time I have no	15:28:45
2	further questions today. But in light of the	15:28:46
3	number of subjects that were not able to be	15:28:51
4	addressed, this deposition remains open. In light	15:28:56
5	of the number of e-mails that we've received	15:29:00
6	without all the documents being attached and other	15:29:04
7	e-mails that were not produced, this deposition	15:29:07
8	remains open to be addressed further by the Court,	15:29:10
9	as we believe we have not received all the e-mails	15:29:13
10	or other documents that are subject to the	15:29:17
11	subpoenas that were served on Mr. White.	15:29:19
12	With that, I remember -- I know	15:29:22
13	Mr. Jordan said that he had some questions. I'll	15:29:24
14	turn it over to him at this time.	15:29:27
15	MR. JORDAN: Okay. Thank you, Stephen.	15:29:29
16	MR. REDD: One second before I --	15:29:33
17	MR. JORDAN: Give me just one second.	15:29:33
18	MR. REDD: Do you want to take a quick	15:29:33
19	break to get yourself ready?	15:29:33
20	MR. JORDAN: Do you guys need to take a	15:29:37
21	break before we switch? Justin?	15:29:38
22	MR. REDD: I don't need a break per se,	15:29:39

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1 but I just want to see if we can make any progress 15:29:43
2 on any of several issues that either are out there 15:29:46
3 from before that were mentioned today or that -- 15:29:51
4 that we're going to still have a disagreement 15:29:56
5 about. So if this is a good time to do it or 15:29:57
6 after Greg goes, either way, since we're all 15:30:01
7 sitting here talking to each other and it's been 15:30:04
8 difficult to have a conversation where we could 15:30:07
9 resolve some of this stuff possibly beforehand, I 15:30:11
10 would like to -- for the lawyers at least to stay 15:30:16
11 on. We don't have to stay on the record, but 15:30:19
12 since we're all here, I want to do that at some 15:30:21
13 point. 15:30:24
14 MR. STERN: I think it would be good if 15:30:24
15 the lawyers have a conversation afterwards. 15:30:26
16 MR. REDD: Okay. 15:30:27
17 MR. STERN: And I -- I welcome that and I 15:30:32
18 appreciate you making the request, Justin. 15:30:34
19 MR. REDD: Thanks. 15:30:36
20 MR. JORDAN: Okay. Give me a second. 15:30:43
21 Let me save this last e-mail so I don't forget. 15:30:52
22 BY MR. JORDAN: 15:30:55

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1	Q	Okay. All right. Mr. White, or Michael,	15:30:55
2		what I want to do is -- give me just a second.	15:31:05
3		I'm going to pull up a file here.	15:31:11
4	MR. JORDAN:	Can the court reporter give	15:31:12
5		me access to put something up on the screen? I	15:31:16
6		don't know whether I have that access at this	15:31:19
7		moment.	15:31:20
8	THE COURT REPORTER:	The tech can help	15:31:20
9		you with that, Mr. Jordan.	15:31:25
10	MR. JORDAN:	Terrific.	15:31:25
11	MS. YEUNG:	I am pretty sure you do. It	15:31:25
12		should be at the bottom in the middle. It's the	15:31:32
13		green button that said "Share Screen." You can	15:31:34
14		see all of our faces.	15:31:44
15	MR. JORDAN:	Okay. Give me -- it looks	15:31:44
16		like I'm going to have to -- the problem is that	15:31:44
17		if I bring up the last e-mail, I have to --	15:31:45
18	MS. YEUNG:	Then you'll choose which	15:31:49
19		screen you want to share.	15:31:50
20	AV TECHNICIAN:	Mr. --	15:31:50
21	MS. YEUNG:	(Indiscernible).	15:31:50
22	AV TECHNICIAN:	Mr. Jordan, I made you --	15:31:50

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1	MR. JORDAN: I have to close a couple	15:31:50
2	files in order to be able to bring up --	15:31:53
3	AV TECHNICIAN: Mr. Jordan, I made you	15:32:01
4	cohost just so you know.	15:32:03
5	MR. JORDAN: All right. Thank you very	15:32:04
6	much. But I still need to close a couple files	15:32:05
7	because I have -- there have been 30 exhibits and	15:32:06
8	there are a bunch of things on my computer and I	15:32:07
9	don't do a good job of -- of choosing the tab	15:32:11
10	switch if there are too many files open. So give	15:32:18
11	me just -- okay. There we go.	15:32:20
12	MR. BOSHEA: Hey, Greg?	15:32:20
13	MR. JORDAN: Hey what?	15:32:20
14	MR. BOSHEA: Hey, who is all on right	15:32:55
15	now?	15:32:56
16	MR. JORDAN: Everybody is on, David. You	15:32:56
17	can turn your microphone off. That's fine.	15:33:04
18	MR. BOSHEA: Okay. All right. Thank	15:33:04
19	you.	15:33:07
20	MR. JORDAN: Okay. What I've tried to do	15:33:08
21	here is -- give me a second. It looks like I have	15:33:08
22	the background here and I want to see if I can	15:33:11

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1	eliminate that. I didn't plan on this so give me	15:33:15
2	just a second.	15:33:30
3	All right. Let's see if we can do this	15:34:04
4	now.	15:34:06
5	BY MR. JORDAN:	15:34:06
6	Q Okay. Do you see the e-mail that is up	15:34:10
7	on the screen here that says -- it says Michael	15:34:12
8	White to Gregory Jordan. Is that up on the screen	15:34:17
9	there, Mr. White?	15:34:20
10	A It is.	15:34:20
11	Q Okay. Now, I will represent to you that	15:34:21
12	this is an e-mail that I received from you on June	15:34:23
13	28, 2021, at 11:27 a.m. And this is -- this is an	15:34:28
14	e-mail that is forwarded, and then below that on	15:34:34
15	the -- the -- the e-mail is an e-mail, it says,	15:34:44
16	let's see, from Daniel White to Mike White -- to	15:34:51
17	Mike, and then it has an e-mail address. And then	15:34:56
18	underneath that is jwhite, Golf4me36@aol.com:	15:34:59
19	Your agreement is attached. Not signed off by our	15:35:07
20	G.C., but should be -- "ne" is a typo -- tomorrow.	15:35:13
21	Do you -- now that you see the original	15:35:17
22	e-mail here, do you recognize this e-mail?	15:35:18

Transcript of Michael R. White
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1	A	It -- it looks similar to an e-mail that	15:35:20
2		I sent you, but I don't know that's the actual	15:35:23
3		one.	15:35:27
4	Q	Okay.	15:35:27
5	A	I have no reason to --	15:35:27
6	Q	I will -- I will represent to you that I	15:35:27
7		have not --	15:35:27
8		THE COURT REPORTER: I'm sorry. I'm	15:35:27
9		sorry, Mr. White; I didn't hear the end of what	15:35:35
10		you said.	15:35:36
11		MR. JORDAN: Sorry about that.	15:35:37
12	A	I have no reason to believe that it's	15:35:37
13		not.	15:35:40
14	Q	Okay. I will represent to you that I	15:35:40
15		have not altered this e-mail in any fashion. But	15:35:43
16		with -- with that understanding, is -- can you	15:35:45
17		confirm that this is the e-mail that you sent to	15:35:48
18		me on June 28, 2021, at 11:27 a.m.?	15:35:50
19		MR. REDD: Object to form. I think you	15:35:55
20		got the date wrong, Greg.	15:35:59
21		MR. JORDAN: I'm sorry; on September 28,	15:36:00
22		2021, at 11:27 a.m.	15:36:05

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1	Q	Can you confirm --	15:36:08
2	A	I can confirm that -- I can confirm that	15:36:12
3		I sent an e-mail very similar to that to you, and	15:36:14
4		I have no reason to believe that that is not the	15:36:17
5		e-mail.	15:36:20
6	Q	Okay. Now, the first thing I want to	15:36:20
7		know is I think we've established previously but I	15:36:25
8		just want to make sure, you maintain an e-mail	15:36:27
9		address of michaelrwhite@comcast.net; is that	15:36:31
10		correct?	15:36:35
11	A	I do.	15:36:35
12	Q	Okay. And you've indicated you know who	15:36:36
13		Daniel White is. It's your brother. Are -- are	15:36:42
14		you -- have you received e-mails from Daniel White	15:36:47
15		from danieljwhite@msn.com?	15:36:48
16	A	Yes, I have.	15:36:49
17	Q	Okay. And as far as you know, Daniel	15:36:52
18		White maintained danieljwhite@msn.com in the month	15:37:02
19		of May of 2007; is that correct?	15:37:06
20	A	As far as I know. I can't confirm that,	15:37:09
21		but I have no reason to doubt it.	15:37:15
22	Q	Okay. All right. And then there is a --	15:37:16

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1	there is -- below that there is an e-mail	15:37:23
2	addressed jwhite@compassmarketinginc.com. Do you	15:37:27
3	recognize that address?	15:37:31
4	A I do.	15:37:31
5	Q And whose address is that?	15:37:33
6	A I believe that is the address for John	15:37:35
7	White.	15:37:41
8	Q Okay. And John White being the -- one of	15:37:41
9	the owners of Compass Marketing?	15:37:44
10	A Correct.	15:37:44
11	Q And do you recall that John White	15:37:44
12	maintained that e-mail address in May of 2007?	15:37:52
13	A I believe he did.	15:37:54
14	Q Okay. And then there's an e-mail address	15:38:00
15	Golf4me36@aol.com. Do you recognize that e-mail	15:38:09
16	address?	15:38:11
17	A I -- I believe that I do. I have seen it	15:38:11
18	in the past. I believe I recognize it.	15:38:14
19	Q And is that David Boshea's e-mail address	15:38:19
20	or someone else's?	15:38:23
21	A I believe that it is David Boshea's	15:38:24
22	e-mail address.	15:38:27

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1	Q	Okay. And then the -- there is an	15:38:27
2		e-mail, it has some language in it, and it bears a	15:38:34
3		date of Tuesday, 22 May 2007, 1:24:33 on it. And	15:38:37
4		so that was an e-mail that purports to be sent on	15:38:46
5		May 22, 2007, at 1:24 in the morning; is that	15:38:50
6		correct?	15:38:57
7	A	That's what it says, yes.	15:38:57
8	Q	Okay. And then the e-mail was eventually	15:38:59
9		sent to you and there was -- it appears there's an	15:39:04
10		attachment on the e-mail that I received. Was --	15:39:08
11		was the attachment on the e-mail that Daniel White	15:39:11
12		sent to you on May 22, 2007, at 2:08 a.m.?	15:39:15
13	A	I believe there was. There wasn't an	15:39:23
14		attachment attached to it when I found it in 2021.	15:39:31
15	Q	Okay. And did -- do you know how to	15:39:36
16		manipulate e-mails so that you can change	15:39:42
17		attachments?	15:39:45
18	A	I do not.	15:39:45
19	Q	Okay. Let's see if this works here.	15:39:48
20		Okay. Now, I'm going to open up this e-mail	15:39:53
21		attachment here. And do you see it says:	15:39:56
22		"COMPASS MARKETING, INC, AGREEMENT RELATING TO	15:40:01

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1	EMPLOYMENT AND POST-EMPLOYMENT COMPETITION"? Do	15:40:02
2	you see that?	15:40:08
3	MR. REDD: Greg, I believe you're going	15:40:08
4	to have to slide it over to the same monitor.	15:40:11
5	MR. JORDAN: Okay. I wasn't sure whether	15:40:13
6	it opened or not.	15:40:16
7	MR. REDD: Share the different windows.	15:40:16
8	It's not showing up.	15:40:19
9	MR. JORDAN: That's fine. Okay.	15:40:20
10	Q Okay. Here is a document. I opened up	15:40:24
11	the attachment to that e-mail, I will represent	15:40:28
12	that to you.	15:40:31
13	MR. JORDAN: So this would be -- the	15:40:32
14	first one would be Exhibit 31 and this would be	15:40:32
15	Exhibit 31A. And I will mark these and send these	15:40:35
16	to the court reporter.	15:40:35
17	(White Deposition Exhibits 31 and 31A	15:40:35
18	marked for identification and are attached to the	15:40:35
19	transcript.)	15:40:37
20	Q And this is -- this is a document	15:40:37
21	"COMPASS MARKETING, INC, AGREEMENT RELATING TO	15:40:46
22	EMPLOYMENT AND POST-EMPLOYMENT COMPETITION." Do	15:40:47

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1	you see that?	15:40:50
2	A I do.	15:40:50
3	Q Okay. And if you look at the bottom	15:40:51
4	here, it indicates it's a six-page document. Do	15:40:55
5	you see that?	15:40:58
6	A I can't see the bottom.	15:40:58
7	Q On the very bottom left-hand corner of	15:41:01
8	the screen, at least on my screen.	15:41:05
9	Let me try that. Let me try it a	15:41:20
10	different way. I guess I should have practiced.	15:41:21
11	Okay. Do you see the document again?	15:41:31
12	A I do.	15:41:42
13	Q Okay. Do you -- I'm not sure if you can	15:41:44
14	see on your screen or not that it is -- it says	15:41:46
15	"Page 1 of 6" on the bottom left-hand corner. Can	15:41:50
16	you see that?	15:41:53
17	A I can see that, yes.	15:41:53
18	Q And on the first paragraph of the	15:41:54
19	document, can you just read that into the record	15:41:58
20	if you can?	15:42:03
21	A "This Agreement is between...David John	15:42:03
22	Boshea, residing at 4839 Clearwater LN.	15:42:06

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1 Naperville, IL. 60564 ('Employee') and COMPASS 15:42:16
2 MARKETING, INC. ('COMPASS'), having a place of 15:42:26
3 business at 612 Third Street, Annapolis." 15:42:27
4 Q Okay. It -- in 2000 -- or was there a 15:42:31
5 time when Compass Marketing had a place of 15:42:36
6 business at 612 Third Street, Annapolis? 15:42:39
7 A Yes. 15:42:41
8 Q When was that? 15:42:41
9 A I believe the ending date was in 2007. 15:42:45
10 I'm not real sure of the beginning date. 15:42:54
11 Q That's fine. And then just going down 15:42:56
12 through the document, there is a -- there is a 15:43:02
13 paragraph in this document -- let me see if I can 15:43:10
14 find it here -- all right, "ARTICLE 6. SEVERANCE." 15:43:14
15 Do you see that on the screen? 15:43:17
16 A I do. 15:43:18
17 Q Okay. 15:43:20
18 MR. STERN: I just want to quickly object 15:43:21
19 to this whole line of questioning. He said 15:43:24
20 earlier he has no idea whether or not Mr. Boshea 15:43:25
21 had met an employment agreement with severance as 15:43:29
22 of 2000 -- from 2007. The document speaks for 15:43:31

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1	itself. It will be just a standing objection.	15:43:35
2	MR. JORDAN: Okay. Thank you.	15:43:38
3	Q So -- so this -- this document has an	15:43:40
4	"ARTICLE 6, SEVERANCE"; is that right?	15:43:43
5	A Yes, it does.	15:43:44
6	Q Okay. And it -- it relates to -- it	15:43:47
7	explains the terms in there of the severance that	15:43:52
8	would have been provided to Mr. Boshea under this	15:43:54
9	albeit unsigned agreement; is that correct?	15:43:58
10	A It appears to be that way, yes.	15:44:01
11	Q Okay. And then at the bottom of the	15:44:03
12	document we note that it is -- has signature areas	15:44:09
13	but it's not signed; is that correct?	15:44:11
14	MR. REDD: Object to the form.	15:44:13
15	Go ahead.	15:44:20
16	A I believe so, yes. It appears that way,	15:44:20
17	yes.	15:44:23
18	Q Okay. All right. Now, I don't know	15:44:23
19	whether this is going to work or not so let's see.	15:44:31
20	Tell me what you see on the screen now.	15:44:33
21	A I see "Info," "Employment Agreement -	15:44:34
22	Boshea - Final," and then it looks like some	15:44:37

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1 options: "Read only," "Comparable Mode," "Protect 15:44:41
2 Document." 15:44:42
3 Q Okay. All right. I want to do this 15:44:42
4 again to make sure you understand what I'm doing. 15:44:48
5 See where that cursor is on File here? 15:44:52
6 A Yeah. 15:44:52
7 Q And then I go to "Info" -- there -- go 15:44:55
8 fourth item down, "Info," and I click that. So 15:44:56
9 this is the information and it says -- what does 15:44:59
10 it say in blue up on top here? 15:45:02
11 A "Employment Agreement - Boshea - Final." 15:45:04
12 Q Okay. And then going over here to the 15:45:05
13 properties of the document, okay, do you see 15:45:12
14 it's -- it has the size of the file; the pages, 15:45:18
15 there are six pages; words; total editing time; 15:45:21
16 title. What does it say for title? 15:45:27
17 A "Adams Employment Agreement." 15:45:28
18 Q Okay. And then it has related dates. Do 15:45:33
19 you see where it says "Last Modified"? 15:45:37
20 A I do. 15:45:38
21 Q Okay. And when was this document last 15:45:40
22 modified? 15:45:43

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1	A	The date next to "Last Modified" is	15:45:43
2		5/22/2007, 1-22 a.m.	15:45:50
3	Q	And when was it created?	15:45:54
4	A	The date next to "Created" is May 22,	15:45:57
5		2007. The time is 1:20 a.m.	15:46:03
6	Q	Okay. And it says "Last Printed"?	15:46:07
7	A	The date next to "Last Printed" is	15:46:08
8		1/9/2007 and the time is 6:14 p.m.	15:46:14
9	Q	Okay. And then it says "Author." And it	15:46:18
10		says last modified by whom?	15:46:20
11	A	It says "Last Modified." There's a --	15:46:22
12		there's a purple circle with a J in it and then	15:46:28
13		the name of John next to it.	15:46:30
14	Q	Okay. Was there -- was there a John who	15:46:32
15		was employed by Compass who would have been	15:46:34
16		involved in at least editing documents in May of	15:46:38
17		2007?	15:46:45
18	A	I don't know if he did, but there was a	15:46:45
19		John --	15:46:51
20	Q	No, no. Was there -- I didn't ask -- I	15:46:51
21		just said generally. Was there a John employed by	15:46:54
22		Compass Marketing who would have been involved in	15:46:59

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1	editing documents?	15:47:01
2	A Yes.	15:47:02
3	Q And who would that John be?	15:47:02
4	A One of the owners, John White.	15:47:07
5	Q Okay. Can you think of anyone else who	15:47:11
6	would be editing documents for Compass Marketing	15:47:14
7	in 2007 who went by the name of John?	15:47:18
8	A I -- I can't think of any -- any other	15:47:20
9	employee with the first name John in 2007 --	15:47:30
10	Q Okay.	15:47:32
11	A -- right off the top of my head, no.	15:47:33
12	THE COURT REPORTER: I'm sorry; did you	15:47:33
13	say right off the top of your head.	15:47:39
14	THE WITNESS: That's correct.	15:47:41
15	MR. JORDAN: Sorry for interrupting.	15:47:41
16	Q And -- and do you know how to change	15:47:44
17	the -- the -- the modification dates in a Word	15:47:48
18	document?	15:47:51
19	A No.	15:47:51
20	Q Do you know if it's even possible?	15:47:53
21	A I don't know.	15:47:56
22	Q Do you know how to change the created	15:47:59

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1	date on a Word document?	15:48:03
2	A No.	15:48:04
3	Q Do you know if it's even possible?	15:48:05
4	A I don't know.	15:48:08
5	Q And do you know that -- how to change the	15:48:10
6	last printed date on a Word document?	15:48:15
7	A I do not know how to do that.	15:48:17
8	Q Okay. And do you know if it's even	15:48:21
9	possible?	15:48:23
10	A That I don't know either.	15:48:23
11	Q Okay. I closed it and there is the	15:48:25
12	document. And I will bring this down a little bit	15:48:30
13	here. Do you see where it says the title of the	15:48:34
14	agreement, of the document, is "Employment	15:48:36
15	Agreement - Boshea - Final"?	15:48:37
16	A I do see that, yes.	15:48:37
17	Q And do you -- do you recall that that's	15:48:43
18	the same name as on the info page here?	15:48:45
19	A Yes, I see that, yes.	15:48:49
20	Q Okay. Terrific. And so that was the	15:48:54
21	document that -- was that the document that you	15:49:03
22	forwarded to me in -- in the e-mail, Exhibit 31?	15:49:04

Transcript of Michael R. White
Conducted on December 1, 2021

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1	A	I -- I don't know for sure. I -- I	15:49:07
2		forwarded you a very similar document. I	15:49:17
3		forwarded a document that was attached to the --	15:49:20
4		to the e-mail, but I don't know if it was that	15:49:23
5		document.	15:49:24
6	Q	Okay. Do you have any reason to believe	15:49:24
7		it wasn't that document?	15:49:26
8	A	No, I do not.	15:49:27
9	Q	Okay, terrific.	15:49:29
10		Okay. Now, here is another document you	15:49:53
11		were unsure about before, and I'll represent to	15:49:53
12		you that I have not altered or changed this	15:49:56
13		e-mail. Do you recall sending me an e-mail on	15:50:00
14		August 29, 2021, at 6:52 p.m.?	15:50:04
15	A	I recall sending you an e-mail. I do not	15:50:08
16		recall the date and the time.	15:50:16
17	Q	Okay. Sometime in late August of 2021 do	15:50:17
18		you recall sending me an e-mail?	15:50:23
19	A	I -- I remember sending you a couple of	15:50:24
20		e-mails generally in that time frame, but I don't	15:50:34
21		remember a specific date or time.	15:50:36
22	Q	Okay. That's fine. What I'm going to do	15:50:36

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1 is I'm going to have to go out and come back in, 15:50:36
2 but I'm -- see where I'm clicking on this to open 15:50:48
3 up the Boshea White Eagle use e-mail there. And 15:50:55
4 then I'm going to go to that because I don't think 15:50:56
5 it works to just open up an e-mail. It would be 15:50:58
6 nice if it did, but that's not how life works. 15:51:01
7 Okay. So there is -- there is a document 15:51:05
8 here. It's a -- it is -- it's a two-page document 15:51:05
9 you will see here. And it starts -- on the top it 15:51:13
10 says "John White 15:51:17
11 Columbia Country Club." Do you see that? 15:51:29
12 A I do see that, yes. 15:51:30
13 Q Okay. And then can you read the 15:51:31
14 document? And let me know when you are finished 15:51:33
15 reading it and then -- and tell me that I need to 15:51:35
16 move down because it is two pages and you only 15:51:38
17 read one. 15:51:41
18 THE COURT REPORTER: Mr. Jordan, are we 15:51:41
19 marking this? 15:51:49
20 MR. JORDAN: This is -- yes. This is 15:51:49
21 Exhibit 32 and this is 32A. The first one was 32 15:51:50
22 and the second one was 32A. 15:51:58

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Conducted on December 1, 2021

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1	THE COURT REPORTER: Okay.	15:51:58
2	MR. JORDAN: I believe, yeah. Yeah.	15:52:00
3	(White Deposition Exhibit 32, previously	15:52:00
4	marked Exhibit 3, and Exhibit 32A marked for	15:52:00
5	identification and attached to the transcript.)	15:52:00
6	A Okay. Mr. Jordan, I have read down to	15:52:00
7	"May 16, 2012," if you can bring it up a little	15:52:11
8	bit.	15:52:16
9	Q Okay. Can you continue reading?	15:52:16
10	A Yes, yes. I'm reading it now.	15:52:22
11	Q That's fine. We're in no hurry.	15:52:25
12	A All right. I have read down to "Ed	15:52:29
13	Quinn."	15:52:45
14	Q Okay.	15:52:45
15	A I have read to "We are looking to have	15:52:46
16	everybody fly in (8 people)."	15:53:19
17	Q Okay.	15:53:19
18	A All right. I have read down to "Thanks,	15:53:31
19	John."	15:53:32
20	Q Okay. And that's the entire e-mail;	15:53:32
21	right?	15:53:34
22	A As far as I know.	15:53:34

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Conducted on December 1, 2021

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1 Q Okay. All right. Now, in the -- in the 15:53:36
2 e-mail, in the midst of it, on May 16, 2012, at 15:53:44
3 11:06 a.m. John White, John -- 15:53:49
4 jwhite@compassmarketinginc.com, wrote: "Guys, 15:53:55
5 this is getting a little nuts. 15:53:56
6 "I need to check with Ralph and alert 15:53:59
7 that Caves is booked with a tournament. I also 15:54:00
8 need to see if we can do golf the 2nd day 12th 15:54:05
9 instead. 15:54:10
10 "Another back up plan" is "considering 15:54:11
11 will be to fly to Chicago and have a meeting at 15:54:13
12 White Eagle or at our attorney Mitch's place, and 15:54:15
13 include store visits for the advisory board 15:54:17
14 members. 15:54:21
15 "I will advise after speaking to Ralph." 15:54:22
16 Do you see that? And it's signed "John." 15:54:24
17 A I do, yes. 15:54:26
18 Q Okay. Now, when it says "meeting at 15:54:26
19 White Eagle," do you have any knowledge as to what 15:54:28
20 White Eagle was that he was referring to? 15:54:32
21 A I know there is a White Eagle Golf 15:54:33
22 Course. I can't say that that's what he was 15:54:42

Transcript of Michael R. White
Conducted on December 1, 2021

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1	referring to, but I do know the existence of a	15:54:45
2	White Eagle Golf Course.	15:54:49
3	Q And how is it that you know the existence	15:54:49
4	of White Eagle Golf Course?	15:54:51
5	A Well, I -- I have paid the bill for White	15:54:54
6	Eagle Golf Course, I have signed the contract for	15:55:01
7	the -- for the membership at White Eagle Golf	15:55:06
8	Course, and I have paid several expense account	15:55:10
9	invoices for the White Eagle Golf Course.	15:55:18
10	Q Okay. And do you know in whose name or	15:55:22
11	what's name the White Eagle Golf Course member --	15:55:27
12	Golf Club membership was maintained?	15:55:32
13	A To the best of my knowledge it was	15:55:34
14	maintained in two names, to the best of my	15:55:39
15	knowledge. One was David Boshea and one was	15:55:46
16	Compass Marketing, Inc.	15:55:49
17	Q Okay. And when you paid I think you said	15:55:49
18	dues and other expenses relating to White Eagle,	15:55:58
19	did you pay that out of your personal pocket or	15:56:01
20	out of Compass Marketing?	15:56:04
21	A Out of Compass Marketing.	15:56:04
22	Q Okay. And did you pay any of the dues --	15:56:07

Transcript of Michael R. White
Conducted on December 1, 2021

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1	did Compass Marketing either pay or reimburse any	15:56:14
2	of David Boshea's dues or expenses related to his	15:56:18
3	membership at White Eagle Golf Club?	15:56:23
4	A Yes, they did.	15:56:25
5	Q Okay. Do you know whether those dues and	15:56:26
6	other expenses were authorized to be paid to David	15:56:31
7	Boshea by Compass Marketing?	15:56:35
8	A I really don't know what the process	15:56:35
9	would be to authorize or not authorize payments	15:56:45
10	for those, but I do know that -- that we paid	15:56:49
11	them.	15:56:51
12	Q Okay. Was that a part of his -- his	15:56:51
13	original compensation package with Compass	15:56:56
14	Marketing, do you recall?	15:56:59
15	A I -- I -- that I don't know.	15:56:59
16	Q Okay. So when you paid these dues for --	15:57:01
17	for David Boshea, who was aware if -- who do you	15:57:08
18	recall being aware that Compass Marketing was	15:57:12
19	paying the dues and other expenses for David	15:57:15
20	Boshea?	15:57:18
21	MR. REDD: Objection to form.	15:57:18
22	You can answer.	15:57:24

Transcript of Michael R. White
Conducted on December 1, 2021

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1	A	To the best of my knowledge John White	15:57:24
2		knew, Daniel White knew, I knew, Mr. Marty	15:57:29
3		Monserrez knew, Mr. Kevin Nemetz knew. There's one	15:57:33
4		more employee that unfortunately his name is	15:57:44
5		slipping my mind at this particular minute, but he	15:57:48
6		also submitted bills and invoices to Compass	15:57:52
7		Marketing to be paid from expenses at White Eagle.	15:57:58
8	Q	Okay. And what's your basis for saying	15:58:02
9		that John White knew that -- that these dues and	15:58:04
10		expenses were being paid?	15:58:12
11	A	I -- I had discussions with John White	15:58:13
12		about it and I received e-mails from John White	15:58:15
13		about it.	15:58:18
14	Q	Okay. And how long did that go on that	15:58:18
15		these dues and expenses were paid on behalf of	15:58:25
16		David Boshea?	15:58:29
17	A	As far as I knew, they went up to May of	15:58:29
18		2019. I don't know if they went past that or not.	15:58:38
19	Q	And when would they have started?	15:58:44
20	A	I'm not sure. I'm sorry; I'm not sure.	15:58:46
21	Q	Is there any reason to believe they	15:58:54
22		didn't start when -- at the time that Mr. Boshea	15:58:57

Transcript of Michael R. White
Conducted on December 1, 2021

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1	joined Compass Marketing?	15:58:59
2	A I have no reason to --	15:58:59
3	MR. REDD: Object to form.	15:59:05
4	Go ahead.	15:59:07
5	A I have no reason to -- to believe that,	15:59:07
6	no.	15:59:09
7	Q Okay. And what was your title at -- when	15:59:11
8	you were -- you know, in 2007 through May of 2019,	15:59:15
9	or I'd say '18, what was your title at Compass	15:59:24
10	Marketing?	15:59:27
11	A I was an owner of Compass Marketing and I	15:59:27
12	had an informal title of operation -- or vice	15:59:35
13	president of operations.	15:59:38
14	Q Okay. And in your role as vice president	15:59:39
15	of operations, what did you do?	15:59:43
16	A I handled what would be classified, I	15:59:46
17	guess, as the administrative side of keeping the	15:59:56
18	company running.	15:59:59
19	Q Okay. And what, if any, involvement did	16:00:01
20	you have with the human resources function during	16:00:05
21	that period?	16:00:12
22	A I guess for -- for what -- for what there	16:00:12

Transcript of Michael R. White
Conducted on December 1, 2021

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1	was of our company with some help, I was the human	16:00:14
2	resources --	16:00:19
3	Q Okay.	16:00:19
4	A -- section.	16:00:21
5	Q Now, with regard to the payments that	16:00:21
6	were made on David Boshea's behalf for dues and	16:00:28
7	expenses at White Eagle Country Club, do you know	16:00:35
8	whether Compass Marketing deducted -- reported	16:00:39
9	those as income to -- on Mr. Boshea -- well, let	16:00:43
10	me back up.	16:00:48
11	Mr. Boshea, was he a W-2 employee at	16:00:48
12	Compass Marketing?	16:00:52
13	A Yes, he was.	16:00:52
14	Q Okay. Do you know whether Compass	16:00:55
15	Marketing reported the amounts that were paid for	16:00:59
16	David Boshea's dues as income as a part of his	16:01:02
17	compensation, his W-2 compensation?	16:01:07
18	A Yes, they were.	16:01:09
19	Q Okay. And was that for the entire period	16:01:11
20	that you were -- that we discussed previously,	16:01:18
21	2007 to May of 2018 at least?	16:01:22
22	A It was definitely through May of '18.	16:01:25

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Conducted on December 1, 2021

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1	Probably around -- I started in 2007 probably, but	16:01:31
2	it was definitely through May of 2018.	16:01:35
3	Q Okay. Okay. And do you know whether	16:01:39
4	John White was aware that this was part of David	16:01:44
5	Boshea's W-2 compensation?	16:01:51
6	A That I don't know.	16:01:52
7	Q Okay. Okay. Now, what I want to do is	16:01:54
8	open up as Exhibit 32B the other attachment to the	16:02:15
9	e-mail that I represented you sent to me. Okay?	16:02:25
10	(White Deposition Exhibit 32B marked for	16:02:25
11	identification and is attached to the transcript.)	16:02:25
12	Q And what I want you to do is -- this is a	16:02:28
13	document that shows on the top -- it has a date,	16:02:30
14	7/29/21, John White	16:02:34
15	It's a forward. And the top e-mail is John White	16:02:40
16	with that address to Mike White with	16:02:45
17	mwhite@compassmarketinginc and bearing a date of	16:02:49
18	Friday, May 25, 2012, at 7:43 a.m.?	16:02:52
19	And what I want you to do is read this	16:02:59
20	document and let me know -- it's a two-page	16:03:01
21	document, and let me know when you're finished	16:03:04
22	reading it.	16:03:06

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1	A	I have read down to "Sent from my	16:03:07
2		iPhone."	16:03:25
3	Q	Okay.	16:03:25
4	A	Okay. I read down to "Sent from my	16:03:26
5		iPhone" again.	16:03:42
6	Q	Okay. And then just going to the bottom	16:03:44
7		there is nothing further other than just some --	16:03:47
8		some Google mail information.	16:03:49
9		All right. The second page, which is an	16:03:50
10		e-mail that says Dave Boshea and then	16:03:52
11		dboshea@compassmarketinginc.com, do you recognize	16:03:56
12		that e-mail address?	16:04:00
13	A	I do.	16:04:00
14	Q	Whose e-mail address is that?	16:04:03
15	A	I believe it is David Boshea's e-mail	16:04:06
16		address.	16:04:12
17	Q	Okay. And so David Boshea sent an e-mail	16:04:12
18		to you and to John White on May 24, 2012, at 12:51	16:04:15
19		a.m.; is that correct?	16:04:24
20	A	I believe he did, yeah.	16:04:25
21	Q	Did you guys ever sleep? It seems like a	16:04:27
22		lot of late-night e-mails here. You don't have to	16:04:30

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1	answer that.	16:04:34
2	A We spent a lot of late nights working on	16:04:34
3	it, yes.	16:04:38
4	Q It says: "Mike, Hey, bro. White eagle	16:04:38
5	raised monthly fee to \$750. Thx, Dave. Sent from	16:04:42
6	my iPhone."	16:04:46
7	Do you recall receiving that e-mail?	16:04:49
8	A I do recall receiving an e-mail very	16:04:51
9	similar to that; yes.	16:04:54
10	Q Okay. Do you have any reason to believe	16:04:55
11	you didn't receive this exact e-mail?	16:04:57
12	A No, I don't.	16:04:59
13	Q Okay. Do you have any understanding or	16:04:59
14	knowledge -- I'm sorry; let me just back up.	16:05:02
15	Do you know whether David Boshea -- why	16:05:08
16	David Boshea would be letting you know and John	16:05:11
17	White know that White Eagle raised the monthly fee	16:05:14
18	to \$750.	16:05:17
19	A I believe I know why.	16:05:20
20	Q What is the reason?	16:05:27
21	A The fee was \$700 a month. I was dividing	16:05:28
22	that between his two paychecks and paying him \$350	16:05:40

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1	a month through payroll. And I believe he was	16:05:45
2	letting me know that the fee had gone up, I assume	16:05:51
3	to have me increase that \$350 fee --	16:05:56
4	Q Okay.	16:05:56
5	A -- through payroll.	16:06:03
6	Q And did Compass increase the payroll	16:06:03
7	payment to Mr. Boshea to reflect the increase of	16:06:10
8	monthly fees to \$750?	16:06:15
9	A Not to my knowledge.	16:06:16
10	Q Okay. And the e-mail above that, it	16:06:19
11	looks like the same e-mail is repeated again, and	16:06:27
12	then there is -- there's a -- do you recall	16:06:30
13	getting an e-mail from John White to you on May	16:06:33
14	25, 2012, at 7:43 a.m. where he said: "I saw it	16:06:39
15	as he copied me too. Just ignore"?	16:06:44
16	A I remember getting one very similar to	16:06:46
17	that; yes.	16:06:54
18	Q Okay. So -- so John White decided not to	16:06:54
19	increase the payment to David White to reflect	16:07:00
20	the -- is it correct to say that John White	16:07:05
21	decided not to increase the payment to David	16:07:10
22	Boshea to reflect the increase in White Eagle	16:07:15

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1	dues?	16:07:17
2	A I don't know what John White wanted to	16:07:17
3	do. I only know he sent me an e-mail very similar	16:07:24
4	to that one.	16:07:28
5	Q Okay. And did you -- did you ever hear	16:07:28
6	from John White at any time in which he questions	16:07:32
7	Compass Marketing's payment of the \$700 for the	16:07:41
8	monthly dues at White Eagle?	16:07:45
9	A None that I can recall, no.	16:07:46
10	Q Okay. But you indicated that he was --	16:07:50
11	and just confirm. You indicated previously he was	16:07:56
12	aware that Compass Marketing was paying \$700 a	16:07:58
13	month for -- as part of David Boshea's	16:08:01
14	compensation for the White Eagle dues; is that	16:08:08
15	correct?	16:08:10
16	A I believe he was aware, yes.	16:08:10
17	Q Okay. Now, you indicated previously	16:08:12
18	that -- I think you said I -- you never	16:08:29
19	transferred any of your shares in Compass	16:08:33
20	Marketing. And -- and then we saw a document	16:08:38
21	where it appeared to me that -- and maybe I'm	16:08:42
22	wrong -- that Daniel White somehow received shares	16:08:48

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1	in Compass Marketing. Are you sure that you never	16:08:52
2	transferred any of your shares in Compass	16:08:57
3	Marketing to anyone?	16:09:01
4	MR. STERN: Greg, Greg, I'm curious. How	16:09:01
5	is it you're objecting to my questions about share	16:09:03
6	ownership, but you're asking questions about share	16:09:06
7	ownership? That seems entirely inconsistent and	16:09:08
8	shows that it's relevant to this case. So thank	16:09:11
9	you very much.	16:09:14
10	MR. JORDAN: Okay.	16:09:14
11	MR. REDD: This is Justin. I --	16:09:16
12	Q Do you recall whether you ever	16:09:16
13	transferred any shares -- I just want to make sure	16:09:16
14	we have a good record.	16:09:18
15	THE COURT REPORTER: I'm sorry. I'm	16:09:18
16	sorry. I think Mr. Redd's talking, but I can't	16:09:25
17	hear him.	16:09:27
18	MR. JORDAN: Go ahead, Justin.	16:09:27
19	MR. REDD: I was going to, one, object to	16:09:29
20	Greg's questioning about this; two, put on the	16:09:32
21	record that I disagree that the fact that Greg	16:09:34
22	asked that question proves that any other	16:09:38

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Conducted on December 1, 2021

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1	questions before were not objectionable for	16:09:41
2	reasons previously stated. So with that I forget	16:09:46
3	what the question was exactly, but go ahead.	16:09:53
4	A Could you repeat the question, please,	16:09:55
5	Mr. Jordan?	16:09:59
6	Q I said were you correct when you said	16:09:59
7	previously that you never transferred any of your	16:10:06
8	shares?	16:10:09
9	MR. REDD: Asked and answered; objection.	16:10:09
10	A I have never transferred any of my	16:10:13
11	shares.	16:10:19
12	Q You never transferred any of your shares	16:10:19
13	to Dan -- to Daniel White or -- is that correct?	16:10:22
14	MR. REDD: Objection; asked and answered.	16:10:24
15	A That is correct. That's correct.	16:10:28
16	Q Oh, okay.	16:10:29
17	MR. JORDAN: Now I understand. I had	16:10:31
18	it -- I had it confused. In fact, I agree with	16:10:34
19	Stephen, I withdraw the questions.	16:10:36
20	Q So I want to make sure that I understand	16:10:37
21	things. You and I -- do you -- do you recall	16:10:44
22	having a conversation with me in -- on or about	16:10:50

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1	July 31, 2020?	16:10:54
2	A I remember having a conversation with	16:10:56
3	you. I don't remember the date; sorry.	16:11:00
4	Q Okay. Do you remember having a	16:11:01
5	conversation sometime in late 20 -- July of	16:11:05
6	2021 -- I'm sorry; 2021, not 2020. Excuse me.	16:11:09
7	Let's start again.	16:11:13
8	Do you recall having a conversation with	16:11:13
9	me in late July 2021?	16:11:15
10	A I remember having a couple of	16:11:17
11	conversations with you. I remember them probably	16:11:23
12	being in the third quarter of 2021, but that	16:11:28
13	probably is as close as I can get to the -- to the	16:11:31
14	time.	16:11:34
15	Q Okay. Do you recall telling me that	16:11:34
16	there were at least four people, including David	16:11:42
17	Boshea, who had severance agreements?	16:11:45
18	A I do remember telling you that, yeah.	16:11:48
19	Q Okay. And -- and the -- do you recall	16:11:51
20	who the other people were that you recalled?	16:11:55
21	A I do.	16:11:59
22	Q Who were they?	16:12:00

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1	A	Mr. John Adams, David Boshea, Mr. Marty	16:12:01
2		Monserrez, and Mr. Al Ewing.	16:12:13
3	Q	All right. Did you also mention John	16:12:18
4		Mancini?	16:12:22
5	A	I may have. I don't --	16:12:22
6	Q	Okay.	16:12:22
7	A	I don't remember specifically, but I may	16:12:29
8		have.	16:12:30
9	Q	Do you recall that at some point John	16:12:30
10		Mancini wanted to make sure that his severance	16:12:36
11		agreement was in his personnel file?	16:12:39
12	A	I remember an employee wanting to make	16:12:41
13		sure it was in his personnel file, but I do not	16:12:46
14		remember it being John Mancini.	16:12:49
15	Q	Okay. Who do you remember it being?	16:12:50
16	A	Mr. John Adams.	16:12:52
17	Q	Okay. And then at that point did you	16:12:55
18		place Mr. Adams, Mr. Ewing, Mr. Mancini, and David	16:13:02
19		Boshea's severance agreements in their personnel	16:13:12
20		files?	16:13:14
21	A	Not all at once, but over a period of	16:13:14
22		time I did; yes.	16:13:18

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1	Q	Okay. And approximately when was this	16:13:18
2		that you placed the agreement in David Boshea's	16:13:22
3		personnel file?	16:13:27
4	A	Somewhere during 2015.	16:13:27
5	Q	Okay. Give me just a second. All right.	16:13:33
6		Now, I have up on the board a document, a six-page	16:14:25
7		document.	16:14:29
8		MR. JORDAN: This is Exhibit 33.	16:14:29
9		(White Deposition Exhibit 33, previously	16:14:29
10		marked as Exhibit 31A, is attached to the	16:14:29
11		transcript.)	16:14:30
12	Q	And it is a Compass Marketing agreement	16:14:30
13		relating to employment and post-employment	16:14:37
14		competition. Do you see that?	16:14:40
15	A	I do, yes.	16:14:41
16	Q	Okay. And what I want you to do is just	16:14:44
17		kind of review the document -- or would you rather	16:14:46
18		me e-mail this to Mr. Redd and you review it on	16:14:50
19		his computer and let me know when you're ready?	16:14:53
20		Would that be easier?	16:14:57
21		MR. REDD: It's easier if we just scroll	16:14:57
22		through it on the screen, Greg.	16:15:00

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1	MR. JORDAN: Okay. That's fine.	16:15:02
2	Whichever way you want to do it. Okay.	16:15:05
3	Q So just do me a favor, read the document	16:15:06
4	and let me know when I need to move my cursor.	16:15:11
5	A Absolutely.	16:15:14
6	Okay. I've read down to "...concerning	16:15:49
7	any of the above, or any past, current or future	16:15:51
8	business..."	16:15:54
9	Q Okay.	16:15:54
10	A Okay. I read down to "...Employee	16:15:56
11	acknowledges belongs to COMPASS."	16:16:43
12	MR. REDD: This is the same -- sorry to	16:16:44
13	jump in. This is Justin. This is the same	16:17:05
14	version that was attached to the Complaint and	16:17:08
15	that was attached to the second subpoena from	16:17:10
16	Compass. He can just flip through the hard copy,	16:17:15
17	if that will make it easier. It's up to you.	16:17:17
18	MR. JORDAN: It is the same document that	16:17:19
19	was attached to the Complaint. And I just --	16:17:21
20	Q Michael, you can -- you can -- I will	16:17:26
21	tell you it's the same document. If you want to	16:17:30
22	read the whole document or if you want to just say	16:17:32

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1 that you've looked at the Complaint and that you 16:17:36
2 -- and that you would know what this document 16:17:40
3 would be, but I'm representing it's the same 16:17:41
4 document, we can dispense with that. But I don't 16:17:45
5 want to shortcut your ability to read the document 16:17:48
6 to confirm. You tell me. 16:17:50

7 MR. REDD: Take the time you need. 16:17:58

8 A Mr. Jordan, I don't think either reading 16:18:01
9 it or not reading it I can identify it. 16:18:02

10 Q Okay. So you're telling me you're not 16:18:05
11 sure whether this is the document that you placed 16:18:07
12 in David Boshea's file or not? 16:18:10

13 A I cannot tell you that, no. 16:18:13

14 Q Okay. That's fine. 16:18:14

15 And then on the -- on Page 506 there are 16:18:19
16 a couple signatures, and I have a question for you 16:18:20
17 with regard to -- to John White's signature. Do 16:18:26
18 you know whether -- do you have any knowledge as 16:18:29
19 to any efforts by John White to disguise his 16:18:32
20 signature? 16:18:37

21 MR. STERN: Objection to form. 16:18:37

22 A Can you identify for me or define for me 16:18:49

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1	disguise?	16:18:54
2	Q Well, for instance, you know, where he	16:18:54
3	might sign with the wrong hand, sign in an awkward	16:18:55
4	position, to try to make his signature be somewhat	16:19:00
5	inconsistent.	16:19:04
6	MR. STERN: Objection to form.	16:19:04
7	A I have seen him sign his name with his	16:19:07
8	left hand before.	16:19:11
9	Q Okay. I'm sorry. I apologize; I'm	16:19:11
10	left-handed so I think that people who sign with	16:19:16
11	the right hand are odd.	16:19:18
12	Is he right-handed or left-handed?	16:19:20
13	A To the best of my knowledge he's	16:19:21
14	right-handed.	16:19:24
15	Q Okay. And you've known him pretty much	16:19:24
16	all of your life or all your life?	16:19:28
17	A I've known him all his life.	16:19:30
18	Q Okay. That's fine. I didn't know which	16:19:34
19	one was younger.	16:19:36
20	And is there anything else he would do	16:19:39
21	other than signing with his left hand to kind of	16:19:40
22	make his signature different that you know of?	16:19:43

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1	MR. STERN: Objection to form;	16:19:44
2	foundation.	16:19:48
3	(Ms. Yeung left the room.)	16:19:51
4	MR. JORDAN: I think he can only speak to	16:19:51
5	his own knowledge, Stephen.	16:19:54
6	A I don't have any knowledge of other acts	16:19:55
7	he performed with his signature.	16:20:01
8	Q Okay.	16:20:01
9	A It would be unusual.	16:20:06
10	Q What would be unusual?	16:20:06
11	A It would not be unusual.	16:20:09
12	Q Okay. He never wrote standing on one leg	16:20:14
13	or anything?	16:20:18
14	MR. STERN: Object to the form.	16:20:18
15	A I never -- I never saw him -- I never saw	16:20:20
16	him do that. I only saw him write his signature	16:20:20
17	with his left hand.	16:20:25
18	Q Okay. How many times did you see him do	16:20:26
19	that?	16:20:29
20	A Four or five would be an estimate.	16:20:29
21	Q We took the deposition of John Adams in	16:20:39
22	the case and John Adams produced a contract	16:20:48

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1	that -- that he signed, but that it wasn't	16:20:55
2	countersigned by John White or anybody else from	16:20:58
3	Compass Marketing. So do you know whether Compass	16:21:00
4	Marketing recognized John Adams as having a	16:21:08
5	severance agreement -- or an employment agreement,	16:21:11
6	rather, with Compass Marketing?	16:21:14
7	MR. STERN: Objection to form.	16:21:14
8	A I don't know. I'm not sure.	16:21:18
9	Q He was the fellow I thought that you put	16:21:22
10	his employment agreement in his file; is that	16:21:25
11	right?	16:21:27
12	A That is correct. But I don't -- I don't	16:21:27
13	know who Compass Marketing is when you ask the	16:21:32
14	question and I don't know what it would mean to	16:21:36
15	say they recognized it.	16:21:39
16	Q Okay. Did you consider that John Adams	16:21:41
17	had a valid employment agreement with Compass	16:21:44
18	Marketing while you were employed by -- or, you	16:21:49
19	know, in the role of -- unofficial role of	16:21:52
20	director of operations?	16:21:55
21	MR. STERN: Objection to form,	16:21:55
22	foundation, legal conclusion, a whole bunch of	16:21:57

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1	others. He has no authority to speak on behalf of	16:22:02
2	the company.	16:22:05
3	A I knew of John's agreement in 2015. I	16:22:05
4	learned of it. I don't know whether it was	16:22:14
5	legitimate or valid or binding. I -- I don't	16:22:19
6	know.	16:22:22
7	Q Okay. Did you -- did you discuss John	16:22:22
8	Adams' agreement with anybody at Compass before	16:22:26
9	you placed it in his file?	16:22:29
10	A Not before; after.	16:22:30
11	Q With whom did you speak regarding John	16:22:34
12	Adams' agreement after you placed it in his file?	16:22:38
13	A Daniel White.	16:22:42
14	Q Okay. And what did -- when did this	16:22:44
15	conversation occur approximately?	16:22:48
16	A I would estimate in the next couple of	16:22:49
17	days, but I don't know for sure.	16:22:59
18	Q Okay. What did you say to Daniel White	16:23:01
19	and what did he say to you?	16:23:06
20	MR. STERN: Objection to form.	16:23:07
21	Q And I'm referring to the conversation	16:23:13
22	that you identified as having with Daniel White	16:23:16

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1	shortly after you placed the John Adams document	16:23:22
2	in the file. What did you say to Daniel White and	16:23:25
3	what did he say to you with regard to John Adams'	16:23:29
4	agreement?	16:23:34
5	MR. STERN: Objection to form.	16:23:34
6	MR. JORDAN: I have no idea what you're	16:23:37
7	talking about.	16:23:42
8	A I believe I told him about the -- the	16:23:42
9	agreement and asked him if he knew anything about	16:23:44
10	it.	16:23:47
11	Q And what did he say to you?	16:23:47
12	A He said he didn't know about the	16:23:50
13	agreement.	16:23:55
14	Q Okay. Did you have any -- and did you	16:23:55
15	speak with anyone else with regard to John Adams'	16:24:01
16	agreement at any time?	16:24:04
17	A I don't think so, no.	16:24:05
18	Q Okay.	16:24:08
19	MR. REDD: Can we take a two-minute	16:24:08
20	break?	16:24:36
21	MR. JORDAN: Sure, sure. It would be	16:24:36
22	fabulous.	16:24:38

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1	VIDEO TECHNICIAN: We are off the record	16:24:38
2	at 4:24 p.m.	16:24:39
3	(A recess was taken.)	16:24:42
4	VIDEO TECHNICIAN: We are on the record	16:24:43
5	at 4:28 p.m.	16:28:44
6	MR. JORDAN: How long have we been,	16:28:46
7	Charlie? I don't want to burn up all the time.	16:28:51
8	VIDEO TECHNICIAN: Five hours and 20	16:28:54
9	minutes.	16:28:58
10	MR. JORDAN: Okay. Terrific.	16:28:58
11	MR. STERN: I just want to -- that's	16:28:58
12	total time, not just the time I was asking	16:29:00
13	questions.	16:29:03
14	VIDEO TECHNICIAN: That is total.	16:29:03
15	MR. JORDAN: Okay. Right, yeah. Okay.	16:29:05
16	BY MR. JORDAN:	16:29:10
17	Q So, Michael, there was some fellow that	16:29:10
18	Mr. Stern talked to you about named Ewing. Do you	16:29:17
19	recall that?	16:29:21
20	A I do.	16:29:22
21	Q Just edify me, who was -- who was the	16:29:24
22	fellow that he referred to? What was his first	16:29:29

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1	name or moniker?	16:29:34
2	A He was a -- a --	16:29:35
3	Q No. What was just his name, just his	16:29:39
4	name.	16:29:42
5	A Detective Ewing.	16:29:42
6	Q All right. Detective Ewing. All right.	16:29:43
7	Do you have any reason to believe that	16:29:47
8	David Boshea had ever met with Detective Ewing?	16:29:53
9	A I have no reason to believe that.	16:29:58
10	Q Okay. Do you have any reason to believe	16:30:03
11	that David Boshea ever spoke with Detective Ewing?	16:30:07
12	A I have no reason to believe that.	16:30:10
13	Q Okay. Do you have any reason to believe	16:30:16
14	that David Boshea ever corresponded by e-mail,	16:30:20
15	letter, or FedEx or other form with David Boshea?	16:30:24
16	A I have no reason to believe that, no.	16:30:29
17	Q Do you have any reason to believe that	16:30:37
18	Detective Ewing ever corresponded to David Boshea,	16:30:40
19	whether by e-mail, letter, package, or anything	16:30:47
20	else?	16:30:51
21	A I have no reason to believe that he	16:30:51
22	corresponded with David Boshea, no.	16:30:56

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1	Q	Okay. Do you have any idea who are any	16:31:02
2		realtors that Compass Marketing would have ever	16:31:09
3		spoken with for any purpose?	16:31:14
4	A	I do not.	16:31:16
5	Q	Okay. Do you have any reason to believe	16:31:19
6		that David Boshea has any knowledge of any	16:31:23
7		realtors that Compass Marketing has ever	16:31:26
8		communicated with?	16:31:30
9	A	I have no reason to believe that.	16:31:30
10	Q	Okay. Do you know any -- do you know any	16:31:34
11		architects with whom Compass Marketing has ever	16:31:38
12		communicated?	16:31:43
13	A	I knew of an architect back in 2007 when	16:31:43
14		we built out our office. I don't remember his	16:31:52
15		name and I don't think I've had any contact with	16:31:56
16		him since 2007.	16:32:00
17	Q	Okay. Do you know whether David Boshea	16:32:01
18		ever communicated with that architect?	16:32:08
19	A	I have no reason to believe he did, no.	16:32:08
20	Q	Do you have any knowledge of David Boshea	16:32:13
21		communicating with any architect who might have	16:32:19
22		had any communications with Compass Marketing?	16:32:21

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1	A	I do not, no.	16:32:23
2	Q	Do you know of any conversations that	16:32:30
3		David Boshea would have had with any architect	16:32:35
4		that communicated with Compass Marketing?	16:32:37
5	A	No, I don't.	16:32:40
6	Q	Do you know whether David Boshea ever	16:32:45
7		delivered any communications, whether e-mails,	16:32:51
8		letters, packages, or anything else to any	16:32:55
9		architect retained by Compass Marketing -- or, I'm	16:32:58
10		sorry, who had any business dealings of any kind	16:33:02
11		with Compass Marketing?	16:33:06
12	A	I have no reason to believe that.	16:33:06
13	Q	Do you know whether any architect ever	16:33:12
14		sent any communications written, whether e-mails,	16:33:15
15		letters, packages, or anything else, to David	16:33:19
16		Boshea?	16:33:23
17	A	I have no reason to believe that.	16:33:23
18	Q	Okay. Do you -- do you have any idea how	16:33:27
19		many realtors there are in Annapolis, Maryland?	16:33:34
20	A	I do not.	16:33:40
21	Q	Is there anyone known as some sort of	16:33:41
22		special realtor that -- that people have to hire	16:33:44

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1	because they're so good at their job that they can	16:33:49
2	obtain space for someone that -- that other	16:33:52
3	realtors cannot obtain?	16:33:56
4	MR. REDD: Objection. Greg, I mean, I	16:33:57
5	get what you're -- where you're going, but can we	16:34:02
6	move on, please?	16:34:05
7	MR. JORDAN: I had a hard time hearing	16:34:06
8	that, Justin; sorry.	16:34:11
9	MR. REDD: I guess I get where you're	16:34:12
10	going, but I'm objecting because you're -- it's	16:34:15
11	going on pretty long. Can we just move on from	16:34:18
12	the realtor topic?	16:34:20
13	MR. JORDAN: Okay. Okay. That's fine.	16:34:21
14	So I won't ask the same question with regard to	16:34:24
15	that special architect either.	16:34:27
16	Q Do you know of any amounts that -- of	16:34:29
17	compensation -- I'm sorry; strike that.	16:34:47
18	Do you know of any monies that were paid	16:34:53
19	to David Boshea that were not authorized to be	16:34:55
20	paid by John White?	16:35:03
21	MR. STERN: Objection; form, foundation.	16:35:05
22	Q I'm sorry. At any time from 2007 to	16:35:11

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1 today do you know of any monies that were -- hold 16:35:15
2 on just a second. Give me just a second. I can 16:35:22
3 pull up the counterclaim, make sure I have the 16:35:27
4 right wording. 16:35:29

5 Do you know of any facts that would 16:36:54
6 support the allegation that unbeknownst to Compass 16:36:56
7 Marketing's CEO and majority owner, Boshea 16:37:02
8 regularly received additional, quote, off-payroll 16:37:04
9 payments, end quote, and biweekly increments of 16:37:08
10 \$350 totaling approximately \$51,800 which Boshea 16:37:12
11 was not entitled to receive? 16:37:18

12 Do you know any facts -- 16:37:20

13 A No. 16:37:24

14 Q -- that would support that allegation? 16:37:24

15 A No. 16:37:26

16 Q Do you know whether David Boshea received 16:37:27
17 biweekly increments of \$350 from Compass 16:37:35
18 Marketing? 16:37:37

19 A I do know. 16:37:37

20 Q And why did David Boshea receive biweekly 16:37:44
21 increments of \$350? 16:37:52

22 A Compass Marketing had decided to pay his 16:37:53

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1 membership monthly dues and to comply with all IRS 16:38:05
2 regulations, they had to be sent through payroll. 16:38:11
3 So we took his \$700-a-month membership dues, 16:38:14
4 divided it in two pieces, and ran \$350 through 16:38:21
5 payroll. 16:38:25
6 Q Okay. And the allegation that starts: 16:38:25
7 Unbeknownst to Compass Marketing's CEO and 16:38:32
8 majority owner. Do you have any idea who Compass 16:38:34
9 could be referring to as the Compass CEO? 16:38:41
10 MR. REDD: Objection to form. 16:38:42
11 You can answer. 16:38:49
12 A I believe I know who they're referring 16:38:50
13 to. 16:38:54
14 Q Right. I'm not asking you to agree or 16:38:54
15 disagree. I'm asking if you know who they're 16:38:58
16 referring to there. 16:39:02
17 A I believe I know who they're referring 16:39:03
18 to. I don't know. 16:39:05
19 Q Okay. Who do you believe they're 16:39:06
20 referring to? 16:39:09
21 A John White. 16:39:09
22 Q Okay. And just to make sure, I'm sure 16:39:12

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1	that you can -- your counsel and Mr. Stern can	16:39:16
2	object to asked and answered, but you have	16:39:19
3	knowledge that -- can you confirm that you have	16:39:22
4	knowledge that John White knew Compass was making	16:39:27
5	biweekly increments of \$350 to David Boshea to	16:39:32
6	reimburse him for his White Eagle dues? Can you	16:39:39
7	confirm that?	16:39:45
8	MR. STERN: Objection; form, foundation.	16:39:45
9	MR. REDD: Did you sustain your own	16:39:48
10	objection, Greg?	16:39:53
11	MR. JORDAN: I'm sorry?	16:39:54
12	MR. REDD: Objection; asked and answered.	16:39:56
13	But go ahead.	16:39:58
14	A I can confirm he knew that Compass	16:39:59
15	Marketing was paying David Boshea's membership	16:40:03
16	fee.	16:40:06
17	Q Okay.	16:40:06
18	A I cannot confirm he knew how.	16:40:07
19	Q Okay.	16:40:08
20	MR. JORDAN: Okay. I will pass the	16:40:09
21	witness.	16:40:40
22	MR. STERN: I have a few brief	16:40:41

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1	follow-ups. Greg, you, when you introduced	16:40:43
2	your exhibits, they were not circulated, so I'll	16:40:43
3	ask you to do me a courtesy and --	16:40:44
4	MR. JORDAN: I absolutely will, but I	16:40:44
5	don't have anybody hanging out here in the condo	16:40:50
6	at Marco Island to assist me. So...	16:40:53
7	MR. STERN: No, I understand. You can	16:40:54
8	pull up the one where -- I think it was the -- I	16:40:55
9	think it's 32, the e-mail that Michael sent to you	16:40:57
10	in August, there were two PDFs attached.	16:41:00
11	MR. JORDAN: Okay. Are you referring to	16:41:03
12	the White Eagle e-mail?	16:41:13
13	MR. STERN: Yes, yes. Thank you.	16:41:14
14	MR. JORDAN: Okay. I just want to make	16:41:16
15	sure. I have to go back because I inadvertently	16:41:18
16	just closed it, but give me just a second. What I	16:41:22
17	did was save that into a file so that I could	16:41:27
18	bring it up.	16:41:31
19	MR. REDD: I object. Was this previously	16:41:32
20	an exhibit that Compass marked and asked Mr. White	16:41:38
21	about earlier in the deposition?	16:41:42
22	MR. STERN: No. It was something that	16:41:43

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1	Mr. Jordan asked about.	16:41:50
2	MR. REDD: Okay. I thought you had asked	16:41:50
3	about this particular e-mail before.	16:41:53
4	MR. STERN: If I did, I don't remember.	16:41:54
5	MR. JORDAN: I think you did, but...	16:41:57
6	MR. STERN: Well, I want to make sure	16:42:03
7	that we're -- if I did, I still want to be clear	16:42:09
8	we're talking about the one that he was answering	16:42:12
9	questions for.	16:42:14
10	MR. JORDAN: Okay. I'm going to bring it	16:42:15
11	up. I just sent it to Justin and to you and	16:42:35
12	afterwards I will send it up -- I will send it to	16:42:38
13	the court reporter as well.	16:42:40
14	MR. STERN: Thank you.	16:42:42
15	MR. JORDAN: Do you see it on the screen	16:42:43
16	there?	16:42:45
17	MR. STERN: Yes. Can you -- the left	16:42:45
18	pdf, please, I think that's the one that I wanted	16:42:48
19	to talk about.	16:42:50
20	MR. JORDAN: This one here, White Eagle	16:42:51
21	use e-mail?	16:42:54
22	MR. STERN: Yes.	16:42:55

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1	MR. JORDAN: So this is 32A.	16:42:56
2	MR. REDD: I'm pretty sure that Compass	16:42:58
3	already asked Mr. White questions about this	16:43:04
4	e-mail and so I object to further questions about	16:43:08
5	it.	16:43:12
6	But go ahead.	16:43:12
7	MR. STERN: Can you open it up, please?	16:43:13
8	MR. JORDAN: Sure.	16:43:20
9	MR. STERN: It's not showing on the	16:43:21
10	screen.	16:43:30
11	MR. JORDAN: I keep forgetting just	16:43:30
12	because I can see it on the screen, that you can't	16:43:32
13	see it on the screen.	16:43:34
14	Can you see it now?	16:43:35
15	MR. STERN: Thank you, yes.	16:43:35
16	MR. JORDAN: Sorry about that.	16:43:36
17	BY MR. STERN:	16:43:37
18	Q So, Mr. White, when you were testifying	16:43:37
19	in response to Mr. Jordan's questions, you had	16:43:41
20	sent this as an attachment to the e-mail that he	16:43:46
21	referenced and was the exhibit, are you a	16:43:50
22	recipient of any of the e-mails in this string	16:43:53

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1	that's 32A?	16:43:56
2	A I -- I don't know.	16:43:57
3	Q Were you a recipient to the most recent	16:43:57
4	e-mail in the string from John White to David	16:44:08
5	Boshea dated May, looks like 15th or 16th, 2012,	16:44:11
6	at 4:56 p.m.?	16:44:16
7	A The part that I see up on the screen does	16:44:17
8	not have my name in it.	16:44:20
9	Q So how did you come to access this e-mail	16:44:21
10	thread to forward to Mr. Jordan?	16:44:25
11	A I've had a number of e-mails about White	16:44:27
12	Eagle, and I believe I -- I think I printed them	16:44:37
13	out for Mr. Jordan.	16:44:42
14	Q How did you print out this e-mail for	16:44:43
15	Mr. Jordan?	16:44:47
16	A I hit the Print button.	16:44:47
17	Q Did you print it on July 29, 2021?	16:44:56
18	A I don't know.	16:45:00
19	Q Do you see the upper left-hand corner	16:45:01
20	there is a date 7/29/2021?	16:45:05
21	A I do.	16:45:09
22	Q Does that help refresh your recollection	16:45:11

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1	as to when you printed it?	16:45:15
2	A No.	16:45:18
3	Q How did you -- how did you -- how were	16:45:19
4	you able to print the e-mail if you were not a	16:45:22
5	recipient of this e-mail?	16:45:25
6	MR. JORDAN: Objection; assumes a fact	16:45:25
7	not in evidence.	16:45:29
8	A I -- I don't know that I wasn't a	16:45:29
9	recipient of the e-mail. I know I had it and I	16:45:34
10	printed it.	16:45:37
11	Q In the upper right corner it shows John	16:45:38
12	White's e-mail address, John -- it says "John	16:45:43
13	White" and "jwhite@compassmarketinginc.com."	16:45:43
14	Do you see that?	16:45:49
15	A I do.	16:45:49
16	Q When you printed this e-mail, were you	16:45:50
17	presenting it under John White's access -- under	16:45:54
18	John White's account?	16:45:58
19	A No.	16:45:58
20	Q Are you able to access John White's	16:46:00
21	e-mails as a system administrator for the	16:46:04
22	compassmarketinginc.com e-mails?	16:46:07

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1	A	No.	16:46:07
2	Q	So how do you know that these e-mails	16:46:11
3		transpired between John and David Boshea if you	16:46:19
4		were not the recipient of them?	16:46:21
5		MR. JORDAN: Objection; that misstates	16:46:23
6		his testimony.	16:46:24
7	A	I don't know.	16:46:25
8	Q	Were you a Bcc recipient of this e-mail	16:46:27
9		at the top of the thread?	16:46:31
10	A	I don't know.	16:46:32
11	Q	So how did you go about accessing it to	16:46:34
12		print it out and send it to Mr. Jordan?	16:46:41
13	A	I had it in a file and I hit Print.	16:46:43
14	Q	Which file did you have it in?	16:46:51
15	A	In a file I kept that dealt with White	16:46:53
16		Eagle.	16:47:00
17	Q	Was this file in your personal e-mail	16:47:00
18		account?	16:47:08
19	A	No.	16:47:08
20	Q	Is it a file that's in the	16:47:09
21		compassmarketinginc.com e-mail account?	16:47:13
22	A	The one I printed is not; no.	16:47:16

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1	Q	So which account did you have it in that	16:47:20
2		you were able -- I'm sorry. Which file did you	16:47:26
3		have it in that you were able to print this e-mail	16:47:27
4		to send to Mr. Jordan?	16:47:30
5	A	In my file dealing with White Eagle.	16:47:31
6	Q	Where did -- do you keep the files	16:47:35
7		dealing with White Eagle.	16:47:41
8	A	It's currently held in a -- in an Outlook	16:47:41
9		file -- not Outlook; OneDrive file.	16:47:51
10	Q	OneDrive. Is that a OneDrive file that's	16:47:53
11		managed or under the name of	16:48:02
12		compassmarketinginc.com?	16:48:03
13	A	No.	16:48:03
14	Q	Who is -- who are the administrators for	16:48:03
15		this file that you are able to store and access	16:48:10
16		this e-mail?	16:48:14
17	A	I am.	16:48:14
18	Q	Are you the sole administrator of the	16:48:20
19		account?	16:48:22
20	A	Sole owner of the account. I don't know	16:48:22
21		if I'd be classified as administrator, but sole	16:48:28
22		owner of the account.	16:48:32

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1	Q	And what's the name of the account?	16:48:33
2	A	Michael White 1, I believe.	16:48:34
3	Q	And is it a compassmarketinginc.com URL?	16:48:42
4	A	No.	16:48:45
5	Q	And I'm going to ask you again because	16:48:50
6		you did not answer the question. How were you	16:48:56
7		able to get this e-mail into that account?	16:48:59
8		MR. REDD: Objection; asked and answered.	16:49:01
9		MR. JORDAN: I join that objection.	16:49:06
10	A	I had it in my account in a file dealing	16:49:07
11		with White Eagle. I printed it and I sent it to	16:49:14
12		Mr. Jordan.	16:49:17
13	Q	How did you get it into your account?	16:49:17
14	A	I don't know.	16:49:20
15	Q	When did you first get it into your	16:49:23
16		account?	16:49:26
17	A	Don't know.	16:49:26
18	Q	Are you able to access e-mails for	16:49:30
19		jwhite@compassmarketinginc.com?	16:49:42
20	A	No.	16:49:42
21	Q	Have you ever accessed e-mails for	16:49:42
22		jwhite@compassmarketinginc.com?	16:49:51

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1	MR. JORDAN: Objection to the use of the	16:49:51
2	word "access." I don't even know what that means.	16:49:57
3	A Do you mind explaining what -- what you	16:50:00
4	mean by access. I have -- I did have access to	16:50:05
5	all the Compass Marketing e-mails as the	16:50:09
6	administrator of Compass Marketing. I do not have	16:50:13
7	that now.	16:50:16
8	Q When did your access as the administrator	16:50:16
9	for the compassmarketinginc.com e-mails end?	16:50:20
10	A Don't know.	16:50:24
11	Q Did you have access to	16:50:25
12	compassmarketinginc.com e-mails as of July 2021?	16:50:30
13	A I don't know.	16:50:32
14	Q Did you have access to	16:50:34
15	compassmarketing.com e-mails in August of 2021?	16:50:41
16	A I don't know.	16:50:44
17	Q Did you have access to	16:50:44
18	compassmarketinginc.com e-mails in September of	16:50:50
19	2021?	16:50:50
20	A Don't know.	16:50:50
21	Q Did you have access to	16:50:54
22	compassmarketinginc.com e-mails in October of	16:50:59

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1	2021?	16:51:00
2	A Don't know.	16:51:00
3	Q What is the account password and access	16:51:05
4	information that you used to access	16:51:10
5	compassmarketinginc.com e-mails?	16:51:11
6	MR. REDD: Objection --	16:51:11
7	MR. JORDAN: Objection to the relevance	16:51:16
8	of all of this.	16:51:17
9	MR. REDD: -- to form, relevance, and for	16:51:18
10	the reasons --	16:51:21
11	MR. JORDAN: We're so far afield at this	16:51:23
12	point.	16:51:25
13	MR. REDD: -- for the reasons stated	16:51:25
14	earlier when there was a question about login	16:51:27
15	information for some account. I don't know if	16:51:31
16	it's the same one you're referring to or not, but	16:51:37
17	it's improper.	16:51:38
18	MR. STERN: Justin and Mr. -- Mr. Redd	16:51:38
19	and Mr. Jordan, Mr. Jordan asked extensive	16:51:41
20	questions about this e-mail. There is nowhere on	16:51:44
21	here that it indicates that Mr. White was the	16:51:46
22	recipient of it. He just says I -- it was in my	16:51:48

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1	folder and he doesn't know how it got there. I'm	16:51:51
2	trying to find out how it got there.	16:51:53
3	MR. REDD: Well, we're not giving his	16:51:56
4	login and password to any account of Michael	16:52:00
5	White's.	16:52:04
6	MR. STERN: He didn't say it was Michael	16:52:06
7	White's.	16:52:08
8	MR. REDD: I think the question that	16:52:08
9	you've asked (indiscernible).	16:52:08
10	(Talking over)	16:52:08
11	MR. STERN: He said it was for Compass	16:52:09
12	Marketing, Inc., all e-mails.	16:52:12
13	MR. JORDAN: I think you're misstating	16:52:12
14	what he said.	16:52:16
15	MR. STERN: I am not misstating what he	16:52:16
16	said. The record will speak for itself.	16:52:19
17	MR. JORDAN: What he said was he had it	16:52:21
18	at one time. He didn't say that he has it.	16:52:25
19	MR. STERN: So I'm trying to find out	16:52:28
20	when he had it himself -- when he had it and	16:52:30
21	what -- what was the access information that he	16:52:31
22	used when he had it.	16:52:33

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1	MR. JORDAN: You've already asked all	16:52:35
2	those questions.	16:52:36
3	Q So when you were accessing	16:52:37
4	compassmarketinginc.com e-mails, what information	16:52:42
5	were you using to do that?	16:52:43
6	MR. REDD: Objection to the extent that	16:52:44
7	it's asking for login and password. That is	16:52:50
8	improper. If it's something else, you need to	16:52:56
9	rephrase.	16:52:59
10	MR. STERN: Are you instructing him not	16:53:04
11	to answer?	16:53:06
12	MR. REDD: I'm instructing him not to	16:53:06
13	answer login and password information, all the	16:53:09
14	questions up until that point, unless it was form,	16:53:15
15	which I don't remember, I did object.	16:53:19
16	Q During the time that you were able to	16:53:21
17	serve as the administrator for the	16:53:22
18	compassmarketinginc.com e-mails, could you pull up	16:53:27
19	anyone's e-mail that had a compassmarketinginc.com	16:53:28
20	URL and send an e-mail on their behalf.	16:53:34
21	A You asked me two questions. Can you ask	16:53:39
22	them one at a time?	16:53:41

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1	Q	When you had -- when you said -- whenever	16:53:42
2		it was that you had access as the system	16:53:44
3		administrator to compassmarketinginc.com e-mails,	16:53:47
4		were you able to pull up anyone's account that	16:53:52
5		ended in compassmarketinginc.com and send an	16:53:54
6		e-mail on their behalf?	16:53:58
7	MR. JORDAN:	Objection; calls for	16:53:59
8		speculation.	16:54:01
9	MR. REDD:	Objection. And, in addition,	16:54:01
10		objection to the lack of a clear time frame,	16:54:06
11		what's being asked, objection.	16:54:10
12	MR. STERN:	I asked for a clear time	16:54:11
13		frame.	16:54:13
14	MR. REDD:	It assumes that the extent --	16:54:13
15		objection to the extent it assumes that what is	16:54:17
16		being asked occurred.	16:54:20
17		With that, you can answer.	16:54:24
18	A	Again, Mr. Stern, you asked me two	16:54:25
19		questions. Can you ask them one at a time?	16:54:29
20	MR. STERN:	Please read back my question,	16:54:31
21		Madam Court Reporter.	16:54:59
22		(The pending question was read.)	16:54:59

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1	MR. JORDAN: Objection; compound.	16:54:59
2	MR. REDD: Objection for me.	16:55:02
3	Go ahead.	16:55:03
4	A No.	16:55:03
5	Q Were you able to pull up during the time	16:55:04
6	that you were the system administrator for	16:55:10
7	compassmarketinginc.com e-mails and view e-mails	16:55:18
8	that you were not a recipient of?	16:55:18
9	A No.	16:55:20
10	Q Then please explain what you were able to	16:55:21
11	see in compassmarketinginc.com e-mails when you	16:55:27
12	were the system administrator.	16:55:32
13	MR. REDD: Objection. We're -- we're	16:55:33
14	again getting far afield of Boshea versus Compass	16:55:40
15	Marketing case that we're here for this deposition	16:55:46
16	for.	16:55:48
17	You can answer.	16:55:49
18	A During the time I was administrator to	16:55:49
19	compassmarketinginc.com's account, domain, I could	16:55:56
20	pull up and review all e-mails in the	16:55:58
21	compassmarketinginc domain.	16:56:03
22	Q Were you able to print all e-mails with	16:56:06

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1	the compassmarketinginc.com domain while you were	16:56:11
2	the system administrator?	16:56:15
3	A I believe I would have been, but I don't	16:56:16
4	know for sure.	16:56:25
5	Q Were you able to send e-mails with -- for	16:56:25
6	anyone who had a compassmarketinginc.com URL	16:56:32
7	during the time that you were the system	16:56:38
8	administrator?	16:56:40
9	MR. REDD: Object to the form. I don't	16:56:40
10	believe we set forth the time frame of what that	16:56:42
11	is when you're asking, Stephen.	16:56:46
12	MR. STERN: I think I said it's the time	16:56:48
13	he was assistant administrator.	16:56:51
14	MR. REDD: The time as an assistant	16:56:51
15	administrator, I'm unclear as to what time frame	16:56:56
16	we're talking about, the years.	16:56:57
17	MR. STERN: I said while he was a system	16:56:58
18	administrator, period.	16:57:01
19	MR. REDD: Same form objection then.	16:57:02
20	Go ahead.	16:57:09
21	A Can you repeat your question, Mr. Stern?	16:57:10
22	Q Were you able to send e-mails under	16:57:12

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1	anyone's name that had a compassmarketinginc.com	16:57:18
2	e-mail address during the time that you were the	16:57:24
3	system administrator for compassmarketinginc.com?	16:57:25
4	A No.	16:57:30
5	Q What were you able to do besides access	16:57:30
6	the e-mails and print them during the time that	16:57:35
7	you were the system administrator for	16:57:39
8	compassmarketinginc.com?	16:57:40
9	MR. REDD: Object to form.	16:57:40
10	Go ahead.	16:57:46
11	A I was also able to review them.	16:57:46
12	Q So you could review anyone's inbox, sent	16:57:48
13	box, and deleted box; is that correct?	16:57:55
14	A I don't think I would have been able to	16:57:57
15	review their deleted box, but I could review	16:58:04
16	incoming and outgoing.	16:58:09
17	Q Could you review incoming and outgoing in	16:58:09
18	real time?	16:58:15
19	A I don't believe so, no.	16:58:15
20	Q When you reviewed the incoming e-mails --	16:58:19
21	I'm sorry -- the outgoing e-mails, were you able	16:58:26
22	to -- let me rephrase the question.	16:58:29

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1	During the time that you were the system	16:58:33
2	administrator for the compassmarketinginc.com	16:58:35
3	domain, could you create an e-mail for anyone that	16:58:39
4	had a compassmarketinginc.com URL?	16:58:44
5	A No.	16:58:44
6	Q So you were able only to review their	16:58:48
7	inbox folders and sent box folders?	16:59:04
8	A I stated that I don't think I was able to	16:59:07
9	review deleted folders, but I could review any of	16:59:13
10	the other boxes, I believe.	16:59:19
11	Q During the time that you were the	16:59:21
12	compassmarketinginc.com system administrator, did	16:59:33
13	you review John White's compassmarketinginc.com	16:59:35
14	e-mails without his knowledge?	16:59:42
15	MR. JORDAN: Objection; and compound.	16:59:43
16	MR. REDD: Objection to form.	16:59:43
17	A I -- I don't believe I ever reviewed John	16:59:49
18	White's e-mails without his knowledge, no.	16:59:57
19	Q Did you ever review any	16:59:59
20	compassmarketinginc.com e-mails of any Compass	17:00:08
21	Marketing employee without their knowledge?	17:00:12
22	A I don't know if I ever did it without	17:00:13

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1	their knowledge.	17:00:18
2	Q Did you ever access John White's	17:00:18
3	compassmarketinginc.com e-mails and specifically	17:00:29
4	tell him about it?	17:00:30
5	A I accessed his e-mails at his request a	17:00:32
6	few times.	17:00:37
7	Q Are the only times that you accessed John	17:00:38
8	White's e-mails the times that he specifically	17:00:41
9	asked you to access them?	17:00:43
10	A Do you have a time frame?	17:00:44
11	MR. REDD: Object to the extent --	17:00:44
12	(Talking over)	17:00:52
13	Q Are the only times you've ever accessed	17:00:52
14	John White's e-mails those times that he	17:00:56
15	specifically authorized you to do that?	17:00:57
16	MR. REDD: Objection to the extent that	17:00:58
17	it's not precisely what the previous answer was.	17:01:03
18	But go ahead.	17:01:05
19	A I -- I don't need authorization to review	17:01:06
20	e-mails. I have never received John White's	17:01:10
21	authorization to review e-mails.	17:01:13
22	Q Why don't you need authorization from	17:01:14

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1	John White to review his e-mails?	17:01:20
2	MR. JORDAN: Objection; time frame.	17:01:21
3	MR. REDD: Objection to form.	17:01:24
4	A Because I did not --	17:01:28
5	Q Let me rephrase. Why did you not need	17:01:28
6	John White's authorization to review his e-mails?	17:01:33
7	A Because I do not need his authorization	17:01:36
8	to review e-mails.	17:01:40
9	Q Why not?	17:01:41
10	MR. REDD: Objection to form.	17:01:41
11	A Because it is not a requirement.	17:01:45
12	Q Why is it not a requirement?	17:01:52
13	A Because it's not a requirement.	17:01:54
14	Q Why is it not a requirement?	17:01:58
15	MR. REDD: Objection; asked and answered.	17:02:00
16	A Because it is not a requirement.	17:02:04
17	Q And I'm asking why it's not a	17:02:07
18	requirement.	17:02:09
19	A My answer is still the same, because it	17:02:09
20	is not a requirement.	17:02:17
21	Q Do you -- when was the last time you	17:02:18
22	accessed John White's e-mails?	17:02:23

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1	A	I don't know.	17:02:25
2	Q	Have you accessed John White's e-mails	17:02:30
3		since January 1, 2021?	17:02:35
4	MR. REDD:	Objection to form again.	17:02:38
5	MR. JORDAN:	Objection to the word	17:02:38
6		"access." We have an e-mail here that's in front	17:02:44
7		of us we have access to.	17:02:49
8	MR. STERN:	Let me ask the question	17:02:50
9		differently.	17:02:51
10	Q	Did you log on as the system	17:02:52
11		administrator for Compass Marketing, Inc., and	17:02:54
12		access John White's e-mail since January 1, 2021?	17:02:57
13	MR. JORDAN:	Objection; asked and	17:03:00
14		answered.	17:03:02
15	MR. REDD:	And objection again since the	17:03:02
16		beginning events that happened after the beginning	17:03:06
17		of this lawsuit have been stated by the Court to	17:03:08
18		be not at issue with regard to the subpoena and	17:03:15
19		with regard to this deposition of the third party,	17:03:17
20		not connected to the Boshea claims -- do you want	17:03:24
21		Mr. White to step out?	17:03:29
22	Q	Mr. White?	17:03:31

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1	MR. STERN: Are you instructing him not	17:03:33
2	to answer?	17:03:34
3	A I'm sorry; I didn't hear your question,	17:03:34
4	sir.	17:03:39
5	MR. STERN: Justin, are you instructing	17:03:40
6	him not to answer?	17:03:42
7	MR. REDD: Well, that might depend on --	17:03:43
8	MR. STERN: My question stands.	17:03:46
9	MR. REDD: Okay. Because I'm going to	17:03:48
10	ask --	17:03:50
11	MR. STERN: He spoke extensively about an	17:03:50
12	e-mail here.	17:03:53
13	MR. JORDAN: Yeah, Stephen, it's not	17:03:53
14	going to work if Justin starts talking and you	17:03:55
15	start cutting him off.	17:03:57
16	MR. REDD: My first question was would	17:03:59
17	you like Mr. White to leave the room or just me	17:04:02
18	tell you what I'm going to tell you?	17:04:06
19	MR. STERN: Just go ahead and tell me.	17:04:07
20	MR. REDD: Okay. I was going to ask you	17:04:09
21	again if there's any connection between what	17:04:11
22	you're asking and the claims about Mr. Boshea's	17:04:14

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1	compensation or what he's owed or not that is at	17:04:20
2	issue in the case and that is the proper scope of	17:04:23
3	this --	17:04:28
4	MR. STERN: And we've have already been	17:04:29
5	through this. We're repeating ourselves now.	17:04:30
6	Your client spoke extensively about this document	17:04:33
7	that's up on the screen, but yet he's unable to	17:04:37
8	identify how he got it.	17:04:39
9	MR. JORDAN: That is completely false,	17:04:40
10	Stephen.	17:04:40
11	MR. STERN: He said he printed it.	17:04:40
12	MR. JORDAN: You can't misstate the	17:04:42
13	testimony.	17:04:43
14	MR. STERN: Now I'm asking him how he did	17:04:43
15	access it.	17:04:43
16	MR. JORDAN: He had it in his OneDrive	17:04:45
17	account, we all know that.	17:04:47
18	MR. STERN: Yeah. How did it get there?	17:04:48
19	And my question is has he reviewed John White's --	17:04:50
20	has he logged in as the system administrator since	17:04:52
21	January 1, 2021, to review John White's e-mails.	17:04:56
22	MR. JORDAN: And he's already answered	17:04:58

Transcript of Michael R. White
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304

1	that question.	17:05:00
2	MR. STERN: No, he hasn't.	17:05:01
3	MR. JORDAN: Yes, he has. You asked him	17:05:01
4	that question like ten minutes ago and he answered	17:05:04
5	it. You may not have liked the answer, but he did	17:05:06
6	answer it. You only have seven hours. We're kind	17:05:09
7	of butting up on that.	17:05:14
8	Q Go ahead, Mr. White.	17:05:15
9	MR. REDD: I believe Mr. Jordan is	17:05:17
10	correct that the question has already been	17:05:18
11	answered. My question is, was there any	17:05:21
12	connection besides what you've already stated,	17:05:26
13	Mr. Stern, why --	17:05:28
14	MR. STERN: No, that's my question.	17:05:28
15	MR. REDD: -- this is discoverable in	17:05:28
16	this case.	17:05:30
17	THE COURT REPORTER: I'm sorry, Mr. Redd,	17:05:30
18	I'm sorry, Mr. Redd; I can't hear you.	17:05:35
19	MR. REDD: I wanted to know whether	17:05:35
20	there's any basis besides what Mr. Stern said for	17:05:39
21	why this line of questioning is proper. He said	17:05:43
22	that we would be just repeating ourselves, which	17:05:47

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1	means --	17:05:50
2	MR. STERN: I've given you my	17:05:50
3	explanation. That's it. Nothing's different.	17:05:52
4	That's it. I want to understand what he's been	17:05:54
5	doing and how he's been able to get this.	17:05:56
6	MR. REDD: That was what I wanted to know	17:05:59
7	about this line of questioning, whether there was	17:06:01
8	anything additional or different, and you're	17:06:03
9	saying no. I believe the question has been asked	17:06:05
10	and answered.	17:06:07
11	But go ahead.	17:06:08
12	A Can you ask your question again, please,	17:06:08
13	Mr. Stern?	17:06:14
14	Q Have you logged on as the system	17:06:14
15	administrator for compassmarketinginc.com since	17:06:19
16	January 1, 2021, and accessed John White's	17:06:19
17	e-mails?	17:06:23
18	MR. JORDAN: Objection; asked and	17:06:23
19	answered and relevance.	17:06:25
20	MR. REDD: Same objection.	17:06:25
21	A No.	17:06:29
22	Q Have you logged on as the administrator	17:06:29

Transcript of Michael R. White
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1	of compassmarketinginc.com between January 1,	17:06:38
2	2020, and December 31, 2020, and accessed John	17:06:39
3	White's e-mails?	17:06:44
4	MR. JORDAN: Objection; relevance.	17:06:44
5	MR. REDD: Same objection for me and to	17:06:44
6	form.	17:06:49
7	A No.	17:06:49
8	MR. STERN: One second.	17:06:50
9	Q Was George -- George White also	17:07:02
10	administrator of the compassmarketinginc.com URL?	17:07:25
11	MR. REDD: Objection to form.	17:07:31
12	Go ahead.	17:07:31
13	A Yes.	17:07:33
14	MR. JORDAN: Objection to relevance.	17:07:33
15	Q I couldn't hear you, Mr. White.	17:07:36
16	A Yes, he was.	17:07:39
17	Q Is he still an administrator for the	17:07:41
18	compassmarketinginc.com URL?	17:07:46
19	A Not as far as I know.	17:07:46
20	Q When did his -- when was he no longer --	17:07:51
21	as of when was he no longer -- let me reask it.	17:07:56
22	As of when did he no longer have access	17:08:00

Transcript of Michael R. White
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1	as the assistant administrator for the	17:08:02
2	compassmarketinginc.com URL?	17:08:06
3	A To the best of my knowledge May of 2019.	17:08:06
4	MR. STERN: All right. No further	17:08:11
5	questions at this time.	17:08:19
6	All the statements I made earlier in the	17:08:19
7	deposition about the reason why this deposition	17:08:22
8	remains open still stand.	17:08:24
9	BY MR. JORDAN:	17:08:24
10	Q Okay. Just real quick question, or a	17:08:25
11	couple questions, Mr. White. Have you ever	17:08:32
12	received a blank copy of an e-mail?	17:08:35
13	A Yes.	17:08:38
14	Q Okay. If you receive a blank copy of an	17:08:40
15	e-mail, when you receive it, do you see that --	17:08:43
16	your name on the recipient page on the e-mail, if	17:08:47
17	you know?	17:08:52
18	A Can you ask that again, please?	17:08:52
19	Q If you are blind-copied, would you see	17:08:58
20	your own name as a recipient of the e-mail?	17:09:01
21	A I don't think so, but I don't know.	17:09:03
22	Q Okay. Have you ever received a blank	17:09:09

Transcript of Michael R. White
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1	copy of a Compass Marketing e-mail?	17:09:14
2	A Yes.	17:09:15
3	Q Okay. Do you have any reason to believe	17:09:21
4	you didn't receive a blank copy of the e-mail that	17:09:24
5	Mr. Stern just put up on the screen?	17:09:29
6	MR. REDD: Objection to the form and the	17:09:31
7	assumption in the question.	17:09:40
8	Go ahead.	17:09:42
9	A I don't have any reason to believe I -- I	17:09:42
10	didn't receive it one way or the other.	17:09:45
11	Q Okay. That's fine.	17:09:46
12	MR. JORDAN: I don't have any further	17:09:49
13	questions.	17:09:51
14	MR. REDD: Okay.	17:09:51
15	VIDEO TECHNICIAN: Are we all set?	17:09:51
16	MR. REDD: No. I'm not going to ask Mr.	17:09:59
17	White any questions. I would like to put a couple	17:10:00
18	of things on the record. It might be appropriate	17:10:02
19	for him to step out of the room, but I -- and I	17:10:05
20	don't want the deposition to go off the record	17:10:09
21	yet.	17:10:13
22	If you want to step and I'll let you know	17:10:13

Transcript of Michael R. White
Conducted on December 1, 2021

309

1	when you can come back in.	17:10:13
2	(Mr. White left the room.)	17:10:16
3	VIDEO TECHNICIAN: Just to clarify, you	17:10:17
4	want this on the video portion as well?	17:10:26
5	MR. REDD: No, no video, but on the	17:10:28
6	transcript, please.	17:10:34
7	VIDEO TECHNICIAN: Okay. So should I	17:10:34
8	close out the video now?	17:10:36
9	MR. REDD: No, not yet, because I want to	17:10:37
10	give the opportunity for additional testimony on	17:10:42
11	some areas that may -- may be at issue that if we	17:10:44
12	can resolve right now, then we should, and there's	17:10:51
13	no reason to come back for certain things. There	17:10:56
14	may be other categories that we're not going to	17:10:59
15	get an agreement on and they're -- we're not going	17:11:03
16	to go forward until further proceedings, but there	17:11:05
17	are a few things --	17:11:14
18	VIDEO TECHNICIAN: Okay. Just so you	17:11:14
19	know, you're in my screen now so I'm recording	17:11:17
20	you.	17:11:20
21	MR. REDD: Okay. I thought we were going	17:11:20
22	off the video record for now, but we can -- we're	17:11:22

Transcript of Michael R. White
Conducted on December 1, 2021

310

1	going to turn it back on when the witness comes	17:11:24
2	back.	17:11:24
3	VIDEO TECHNICIAN: All right. So we are	17:11:24
4	going off -- I got it. Understood.	17:11:25
5	MR. REDD: All right.	17:11:25
6	VIDEO TECHNICIAN: We are off the video	17:11:29
7	record at 5:11 p.m.	17:11:30
8	MR. REDD: So there's going to be an	17:11:33
9	opportunity for additional testimony if we can	17:11:35
10	come to some agreements. And I will say, just so	17:11:41
11	I don't forget, I object to keeping the deposition	17:11:48
12	open and the witness will read and sign just so I	17:11:51
13	don't forget that when we're actually at the end.	17:11:54
14	The May 22, 2007, e-mail that was Page	17:11:59
15	No. 1 in our document production, Mr. Stern and I	17:12:07
16	had a discussion briefly about that and whether	17:12:09
17	that was produced or not. Have you confirmed with	17:12:14
18	your office that you have that in native format?	17:12:17
19	MR. STERN: I have been informed that we	17:12:19
20	do have it so my -- I was mistaken on that.	17:12:22
21	MR. REDD: Okay. I appreciate that. And	17:12:24
22	there was -- I sent you an e-mail about a	17:12:29

Transcript of Michael R. White
Conducted on December 1, 2021

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1 representation in a filing related to whether that 17:12:32
2 document was produced or not. So I do want to 17:12:35
3 address that. We can take that up later. But for 17:12:39
4 today's purposes you have the native e-mail that 17:12:42
5 Mr. White received on May 22, 2007, as produced on 17:12:48
6 November 18, 2021, by my office; correct? 17:12:55

7 MR. STERN: Just to be clear, there 17:12:58
8 should be two native e-mails, the one that he sent 17:13:00
9 to Mr. Jordan and the one that he received from 17:13:03
10 Daniel White. 17:13:06

11 MR. REDD: Okay. So the one that was -- 17:13:06
12 that was sent to Mr. Jordan, that's the one that 17:13:10
13 Mr. Jordan used as an exhibit out of -- I guess 17:13:13
14 out of Mr. Jordan's inbox. But that is the native 17:13:19
15 e-mail that would also have been in Mr. White's 17:13:22
16 sent mail. So it's already been produced by a 17:13:27
17 party. 17:13:30

18 MR. JORDAN: I've already produced it. 17:13:30

19 MR. REDD: Right. So -- 17:13:32

20 MR. JORDAN: Stephen, you have that from 17:13:35
21 me. In fact, you have it again today. 17:13:37

22 MR. REDD: We marked it as a deposition 17:13:37

Transcript of Michael R. White
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1	exhibit.	17:13:41
2	MR. STERN: You just forwarded it to me.	17:13:41
3	MR. REDD: That was a deposition exhibit.	17:13:42
4	MR. JORDAN: No. I sent it when I got it	17:13:42
5	in September.	17:13:44
6	MR. STERN: I know. That was just a	17:13:44
7	forwarding e-mail. You just forwarded it to me.	17:13:46
8	MR. JORDAN: No.	17:13:48
9	MR. REDD: No, no, no.	17:13:48
10	MR. JORDAN: I uploaded it -- I uploaded	17:13:50
11	it into the documents that you guys asked for	17:13:50
12	and --	17:13:54
13	MR. STERN: I've not seen that.	17:13:56
14	MR. JORDAN: -- I sent it again today.	17:13:56
15	MR. STERN: Then I'll have to look at	17:13:58
16	that because I -- the only copy that I got from	17:13:59
17	you is the one you forwarded. And if I'm	17:14:00
18	mistaken, then I'll clarify that and get back to	17:14:02
19	you. The only one that I've seen is the one that	17:14:04
20	you forwarded.	17:14:08
21	MR. REDD: These sound like honest	17:14:08
22	mistakes or misunderstandings about which -- which	17:14:11

Transcript of Michael R. White
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1 native e-mail we are talking about. But because 17:14:14
2 I'm hearing that there is a dispute about what 17:14:17
3 e-mail and attachment was or was not produced, I 17:14:20
4 just want to be clear. Both of those native 17:14:24
5 e-mails have been produced in this case. One was 17:14:27
6 already previously produced by party. There is no 17:14:29
7 reason for a third party to produce it again. The 17:14:32
8 original e-mail that Mr. White was Bcc'd on -- 17:14:35
9 MR. STERN: Well, there's not -- 17:14:35
10 MR. REDD: -- other parties have now. 17:14:38
11 MR. STERN: Whoa, whoa, whoa, whoa, whoa. 17:14:38
12 There's -- no one's ever testified that he was 17:14:44
13 Bcc'd on that. 17:14:47
14 MR. REDD: My fault. My fault. That was 17:14:48
15 forwarded to him on the 2007 e-mail. Okay? So if 17:14:49
16 there are any questions about that document or the 17:14:55
17 attachment to it or the metadata of it that was 17:14:58
18 produced, it's available to be asked about right 17:15:03
19 now. He can come back if there are further 17:15:06
20 questions. I went through everything on the 17:15:08
21 forwarded version of it in 2021. We're not going 17:15:10
22 to come back on the record even if we're back for 17:15:14

Transcript of Michael R. White
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1 other reasons about things that could have been 17:15:17
2 asked about today, including that e-mail that 17:15:20
3 was -- that we acknowledge was produced and 17:15:23
4 received by all the parties and any others. 17:15:24

5 MR. STERN: I just want to make sure I 17:15:28
6 understand what you're saying, Justin, that you 17:15:30
7 produced in native format the May 22, 2007, e-mail 17:15:32
8 that Michael White received; correct? 17:15:36

9 MR. REDD: Correct. 17:15:39

10 MR. STERN: You did not produce in native 17:15:39
11 format the e-mail that he forwarded in September 17:15:43
12 of 2021; correct? 17:15:47

13 MR. REDD: Michael White did not produce 17:15:47
14 that, but that same e-mail was produced in native 17:15:52
15 format on behalf of Mr. Boshea by Mr. Jordan. 17:15:55

16 MR. STERN: And I'm -- and, Greg, I'm 17:15:59
17 going to have to -- the only one that I know of 17:16:02
18 that we've got is the one you forwarded to me. 17:16:05
19 When I say "forwarded," like literally pressing 17:16:07
20 forward, putting my name -- 17:16:10

21 MR. JORDAN: And trust me, I have no 17:16:11
22 reason to put my license at risk to screw around 17:16:14

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1	with an e-mail forwarded to you. I forwarded it	17:16:17
2	to you on January -- on September 28 and I think	17:16:20
3	it said something like Michael White sent this	17:16:22
4	e-mail to me.	17:16:25
5	MR. STERN: You did. You did do that.	17:16:25
6	I'm acknowledging that.	17:16:27
7	MR. JORDAN: Right.	17:16:27
8	MR. STERN: But I'm saying that to me is	17:16:31
9	not production. All right. I think you and I --	17:16:33
10	MR. JORDAN: I thought Daniel -- I could	17:16:33
11	be wrong. I thought Daniel sent his native --	17:16:37
12	MR. STERN: Greg, I was not -- I was not	17:16:38
13	accusing you of misrepresenting anything.	17:16:42
14	MR. JORDAN: Okay.	17:16:42
15	MR. STERN: I wanted to put it on the	17:16:43
16	record.	17:16:43
17	MR. JORDAN: Somebody, I thought it was	17:16:43
18	Daniel, produced his -- his e-mail --	17:16:46
19	MR. STERN: He did not produce the --	17:16:46
20	MR. JORDAN: -- in native.	17:16:52
21	MR. STERN: He produced only the -- he	17:16:53
22	did not produce the original e-mail in that thread	17:16:55

Transcript of Michael R. White
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1	in native format. He produced the one that he	17:16:58
2	forwarded to Michael in native format. If you	17:17:02
3	remember when he testified, he said he doesn't	17:17:08
4	know the whereabouts of the original e-mail in	17:17:10
5	that thread.	17:17:13
6	MR. REDD: As it relates to Michael	17:17:14
7	White, we have the first native format e-mail that	17:17:21
8	Michael White received on the basis --	17:17:26
9	MR. STERN: As I said, I've been	17:17:26
10	corrected. You sent that. I've -- I've been -- I	17:17:30
11	was advised during one of the breaks that we got	17:17:33
12	that. So...	17:17:35
13	MR. REDD: Okay. So I'm not hoping that	17:17:35
14	you ask more questions about it, but this is the	17:17:41
15	opportunity to do so if -- if there ever is going	17:17:43
16	to be one.	17:17:47
17	MR. STERN: I will not at this time.	17:17:47
18	MR. REDD: Okay. And it's not going to	17:17:49
19	be at any other time either in a deposition.	17:17:55
20	MR. JORDAN: Understood.	17:17:58
21	MR. REDD: And if there are other --	17:18:00
22	other areas that could have been asked about today	17:18:05

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1 or can be asked about if Mr. White comes back in, 17:18:07
2 that we haven't gotten to them, we're not -- even 17:18:13
3 if we go back for other reasons, which I disagree 17:18:16
4 that we should, but now is the time to exhaust 17:18:21
5 those proper area inquiries. We're not going to 17:18:26
6 start back at the beginning even if we come back 17:18:29
7 for some limited purpose again, which I don't 17:18:32
8 think is warranted. 17:18:34

9 MR. STERN: I'm not really sure what your 17:18:37
10 statement was there other than I realize you're 17:18:40
11 objecting to coming back. I'm hearing the 17:18:43
12 objection. I'm not -- I'm not -- I'm not 17:18:46
13 conceding that that is correct or appropriate. 17:18:48

14 MR. JORDAN: What he's saying is if you 17:18:49
15 have something that you're not certifying in the 17:18:52
16 motion to the Court, ask it today. If you don't 17:18:57
17 ask it today -- 17:18:59

18 MR. STERN: I didn't certify it in the 17:18:59
19 transcript. 17:18:59

20 MR. JORDAN: -- you're not going to ask 17:19:00
21 it tomorrow. 17:19:01

22 MR. STERN: I mean, whoa, whoa, whoa. 17:19:01

Transcript of Michael R. White
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1 There was a lot of stuff that he didn't answer. 17:19:05
2 I'm not going question by question, subject by 17:19:07
3 subject. There was a ton of material that he was 17:19:09
4 evasive on. There was a lot of material that you 17:19:13
5 instructed him not to answer on. And all of that 17:19:15
6 is stuff that I'm going to have to review when I 17:19:17
7 see the transcript to raise it with the Court. 17:19:20
8 MR. REDD: Yeah. And the only reason 17:19:22
9 there were so many instructions was there were so 17:19:24
10 many topics that were very far afield of the case. 17:19:27
11 And we -- our positions are noted. But I'm 17:19:32
12 just -- the sheer number of them, there was a 17:19:35
13 reason for it. 17:19:38
14 And any other -- you mentioned earlier 17:19:43
15 the -- the -- there were e-mails and attachments 17:19:45
16 that you hadn't received. Is that the -- we 17:19:48
17 talked about the one that you're referring to and 17:19:54
18 that's it? 17:19:56
19 MR. STERN: No. There's several of them 17:19:56
20 because there are several that we received from 17:19:59
21 Daniel White that Michael White didn't produce. 17:20:02
22 There were several that Michael White produced 17:20:04

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1 where there were not attachments. So I have not 17:20:07
2 gone through them one by one, but that's why I was 17:20:12
3 trying to get confirmation during the deposition, 17:20:14
4 what was attached to this. He says I don't know. 17:20:17
5 Well, then we're going to get clarification. If 17:20:20
6 he can't authenticate it, then we're going to have 17:20:21
7 to go back and get that straightened out with the 17:20:24
8 Court. I asked that several times. You heard him 17:20:26
9 answer it that way. 17:20:29

10 MR. REDD: Well, the documents were 17:20:30
11 produced about two weeks ago. There's no 17:20:33
12 follow-up about missing attachments. There's no 17:20:35
13 follow-up about that. The time to meet and confer 17:20:38
14 on -- on that was before this deposition. We -- 17:20:42
15 Mr. Jordan and I tried to call you a bunch of 17:20:47
16 times about issues in this case. That wasn't 17:20:50
17 raised. And I object to that being a basis to 17:20:54
18 come back or to produce more documents. 17:20:59

19 And if it's already been produced by a 17:21:04
20 party, there is no basis to burden a third party 17:21:07
21 to re-go back and go through and duplicate those 17:21:12
22 efforts. The burdens on a nonparty and the 17:21:18

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1	availability of the evidence in another format	17:21:23
2	that's already been produced as relevant to the	17:21:26
3	burden, I think he has met his document production	17:21:29
4	obligations.	17:21:35
5	MR. STERN: We'll have to agree to	17:21:35
6	disagree on that.	17:21:46
7	MR. REDD: All right. So with that, any	17:21:46
8	more questions for Mr. White?	17:21:48
9	MR. STERN: Not at this time --	17:21:48
10	MR. JORDAN: We do not.	17:21:50
11	MR. STERN: -- subject to my statements	17:21:53
12	before.	17:21:55
13	MR. REDD: I guess one last thing before	17:21:55
14	we go off the record. I guess it makes sense to	17:22:03
15	just do it before we close up. There is a --	17:22:07
16	there's a motion -- a mention of a potential	17:22:10
17	motion to compel. Can you remind me exactly what	17:22:12
18	you two -- both were talking about joining in a	17:22:18
19	motion to compel about?	17:22:21
20	MR. JORDAN: It had to do with Chip	17:22:22
21	DiPaula's severance agreements and payments of	17:22:24
22	Chip DiPaula's severance agreements.	17:22:29

Transcript of Michael R. White
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1	MR. REDD: Okay. And that's the -- all	17:22:32
2	right.	17:22:36
3	MR. JORDAN: Severance payments.	17:22:36
4	MR. REDD: I'm recalling that Judge	17:22:38
5	Copperthite's order stated that those were not	17:22:42
6	relevant and discoverable.	17:22:44
7	MR. JORDAN: And I'll review -- I'll	17:22:46
8	review Judge Copperthite's order before I make a	17:22:52
9	final decision. How about that? I think you may	17:22:54
10	be right on that.	17:22:58
11	MR. REDD: Page 52.	17:22:58
12	MR. JORDAN: Yeah, I think you -- I think	17:23:00
13	you may be correct on that.	17:23:01
14	MR. REDD: Employment agreements between	17:23:03
15	you and Compass Marketing returned to DiPaula,	17:23:05
16	severance agreement between you and Compass	17:23:08
17	Marketing about DiPaula, all documents that refer,	17:23:12
18	reflect, or relate to any severance payments or	17:23:16
19	other post-employment payments you received from	17:23:19
20	or on behalf of Compass Marketing, all -- the	17:23:20
21	motion to quash was granted as to all of those	17:23:23
22	issues. Mr. DiPaula's motion was granted in full.	17:23:27

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1	I don't know why --	17:23:30
2	MR. JORDAN: Again, again --	17:23:34
3	MR. REDD: Because his name is mentioned	17:23:35
4	in an e-mail wouldn't make it, you know, relevant	17:23:37
5	through Mr. White.	17:23:40
6	MR. JORDAN: Again, Justin, I think	17:23:41
7	you're correct.	17:23:45
8	MR. STERN: I'll be happy to illustrate	17:23:46
9	it in the brief to the Court.	17:23:51
10	MR. REDD: Yeah, that reminds me. You	17:23:52
11	said you have a pile of cases that show that I'm	17:23:55
12	wrong. I've offered to look over those and, you	17:23:57
13	know, I guess you're not going to be giving	17:24:01
14	anything away. Just send me the citations, I'll	17:24:04
15	read them if you want me to.	17:24:07
16	MR. STERN: 199 F.R.D 553.	17:24:08
17	MR. REDD: Hold on. What's the name of	17:24:20
18	the case?	17:24:25
19	MR. STERN: Behler, B-E-H-L-E-R, V.	17:24:25
20	Hamlin.	17:24:30
21	MR. JORDAN: Is it 553?	17:24:31
22	MR. STERN: 5 -- yeah, 199 F.R.D 553.	17:24:33

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1	That's District of Maryland.	17:24:38
2	MR. JORDAN: Anything else?	17:24:39
3	MR. STERN: 2020 U.S. District Court --	17:24:47
4	MR. REDD: Can you have someone in your	17:24:47
5	office e-mail the cites? I'm having trouble --	17:24:49
6	MR. JORDAN: Yeah, that probably -- that	17:24:53
7	probably makes more sense.	17:24:55
8	MR. STERN: That's fine.	17:24:56
9	MR. JORDAN: Yeah.	17:24:56
10	MR. REDD: I appreciate it. You're a	17:24:56
11	fast talker, Steve. It's hard to write.	17:24:58
12	MR. STERN: I'm originally from New York.	17:25:01
13	I have that and I'm proud of that. I haven't lost	17:25:04
14	that part of my heritage.	17:25:07
15	MR. REDD: All right. I've tried to	17:25:08
16	address everything we could address today. Is	17:25:13
17	there anything else?	17:25:16
18	MR. STERN: I think that is all. Well,	17:25:16
19	we -- you want to try to do a quick call? The	17:25:20
20	other thing that I know we have to circle back on	17:25:22
21	I guess while the three of us are on the line	17:25:26
22	right now, we don't have to be --	17:25:28

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1	MR. REDD: Well, we can be off the record	17:25:28
2	for Michael White's --	17:25:28
3	MR. STERN: We can be off the record.	17:25:28
4	MR. REDD: -- deposition; right?	17:25:28
5	MR. STERN: Yeah, why don't we be off the	17:25:28
6	record for this.	17:25:28
7	THE COURT REPORTER: Okay.	17:25:28
8	MR. JORDAN: Before we go off -- wait.	17:25:28
9	Before we go off the record, how much time have we	17:25:33
10	expended on the deposition?	17:25:36
11	MR. STERN: All this time is not	17:25:38
12	attributed to me.	17:25:41
13	MR. JORDAN: All this time is -- this is	17:25:41
14	Michael White's deposition. All of this time is	17:25:43
15	attributed to you and me.	17:25:46
16	MR. STERN: No, it's not. You can't be	17:25:47
17	asking questions --	17:25:49
18	MR. JORDAN: Absolutely I can. You get	17:25:50
19	seven hours to --	17:25:52
20	MR. STERN: Not for me.	17:25:52
21	MR. JORDAN: The witness does not have to	17:25:53
22	sit for more than seven hours. Okay? And if	17:25:59

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1	you -- if you call the witness, then it's your	17:26:01
2	seven hours.	17:26:03
3	MR. STERN: Well, when you consider all	17:26:03
4	the objections --	17:26:05
5	MR. JORDAN: Anyway, Charlie, how much	17:26:06
6	time have we expended --	17:26:08
7	VIDEO TECHNICIAN: I have 6.03 on the	17:26:10
8	video portion that was going to 5:11.	17:26:12
9	MR. JORDAN: So you've got about five	17:26:17
10	hours left, Stephen.	17:26:18
11	MR. STERN: We'll address that with the	17:26:20
12	Court as well.	17:26:24
13	MR. REDD: I'm sure the videographer will	17:26:25
14	be happy to give you each a breakdown of how long	17:26:29
15	both were questioning. I'm not getting into that.	17:26:31
16	Okay. Anything else?	17:26:33
17	MR. STERN: We're off the record.	17:26:33
18	(A discussion was held off the record).	17:26:42
19	VIDEO TECHNICIAN: The time is 5:27 p.m.	17:26:44
20	We're on the record.	17:27:09
21	The time is 5:27 p.m. This concludes	17:27:13
22	today's deposition. We are off the record.	17:27:18

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1 MR. STERN: As far as the specific order, 17:27:20
2 we are going to want video, we are going to want 17:29:41
3 the transcript in electronic searchable format 17:29:44
4 where we can get a printout, mini and full, with 17:29:48
5 the exhibits attached. I will get back to you on 17:29:50
6 timing probably tomorrow. 17:29:54

7 MR. JORDAN: We will take a copy of the 17:29:56
8 transcript only in electric form only. 17:30:01

9 AV TECHNICIAN: And Mr. Redd? 17:30:04

10 MR. REDD: I will get the same order that 17:30:04
11 Mr. Stern is getting, please. 17:30:16

12 AV TECHNICIAN: All right. 17:30:19

13 (Off the record at 5:31 p.m.) 17:30:20
14
15
16
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18
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ACKNOWLEDGEMENT OF DEPONENT

I, MICHAEL R. WHITE, do hereby acknowledge that I
have read and examined the foregoing testimony and
the same is a true, correct and complete
transcription of the testimony given by me and any
corrections appear on the attached Errata Sheet
signed by me.

(DATE)

(SIGNATURE)

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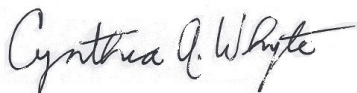
1 CERTIFICATE OF SHORTHAND REPORTER - NOTARY PUBLIC

2 I, Cynthia A. Whyte, the officer before whom
3 the foregoing deposition was taken, do hereby
4 certify that the foregoing transcript is a true
5 and correct record of the testimony given; that
6 said testimony was taken by me stenographically
7 and thereafter reduced to typewriting under my
8 supervision; that reading and signing was
9 requested; and that I am neither counsel for,
10 related to, nor employed by any of the parties to
11 this case and have no interest, financial or
12 otherwise, in its outcome.

13 IN WITNESS WHEREOF, I have hereunto set
14 my hand and affixed my notarial seal this 9th day
15 of December, 2021.

16 My commission expires:

17 October 30, 2022

18 
19 _____

20 CYNTHIA A. WHYTE

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